

COMMERCIAL FUEL RECYCLING, LLC. 7336 CORAL CT. NAMPA,
IDAHO 83687. *PH# 208-465-5296 * FX# 208-442-2829 * E-MAIL
randyblackburn@cableone.net (contact = Randy Blackburn @ 208-602-1144)

RECEIVED

06.01556
APR 24 2006

UTAH DIVISION OF
SOLID & HAZARDOUS WASTE

AUDIT PACKAGE

USED OIL TRANSPORTER APPLICATION

USED OIL MARKETER APPLICATION

STATE OF UTAH

4-19-2006

PLEASE PROCESS AS SOON AS POSSIBLE

RECEIVED

06-01556

APR 24 2006

UTAH DIVISION OF
SOLID & HAZARDOUS WASTE

1

Engineer Letter

2

SPCC

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ER Plan

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Insurance

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EIN

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EPA ID#

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RMI

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Transportor

STATE OF UTAH - PERMIT APP

9

USED OIL TRANSPORTERS

STATE OF UTAH - REGISTRATION FOR

10

USED OIL FUEL MARKETER

11

PHONE NUMBERS

12

CHECKS

13

14

15



LEAVITT & ASSOCIATES
ENGINEERS, INC.

Structural - Civil - Materials Handling - Planners - Surveyors

May 27, 2004

Commercial Fuel Recycling, LLC
710 North Sugar Street
Nampa, Idaho 83687

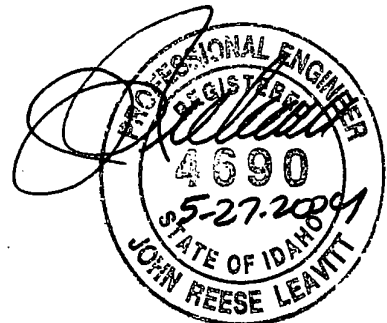
Reference: ***Review of SPCC Plan, Emergency Response Plan, and Regulations***

Leavitt & Associates Engineers, Inc., has reviewed the Spill Prevention Control and Countermeasure Plan (SPCC Plan), including the data reports and checklists contained in the appendix, and the Emergency Response Plan and Material Spill Guide. We have also reviewed the Federal Register / Vol. 67, no. 137 / Wednesday, July 17, 2002 / Rules and Regulations which includes the latest requirements for oil pollution prevention

The SPCC Plan and Emergency Response Plan appear to comply with local, state, and federal requirements. We endorse the plans and encourage acceptance by all regulatory agencies. Please call if you have any questions.

Sincerely,
Leavitt & Associates Engineers, Inc.

J. Reese Leavitt, P.E./S.E.



Cc: File: Commercial Fuel Recycling – 03283.001

ENGINEERING THE WORLD – LICENSED IN ALL 50 STATES

1324 1st Street South - Nampa ID 83651 - (208) 463-0333 - Fax (208) 463-0040

COMMERCIAL FUEL RECYCLING, LLC.

SPCC

AUDIT PACKAGE

DELIVERED TO LEAVITT AND ASSOCIATES ENGINEERS, INC. 6-10-2004


SIGN

6-10-04
DATE

**SPILL PREVENTION CONTROL
AND COUNTERMEASURE PLAN (SPCC PLAN)**

Commercial Fuel Recycling, LLC.

710 North Sugar Street
Nampa, ID 83687

Randy Blackburn
7336 Coral Court
Nampa, ID 83687
(208) 465-5296

Reviewed by
J. Reese Leavitt, P.E./S.E.

Leavitt & Associates Engineers, Inc.

1324 1st Street South
Nampa, ID 83651
(208) 463-0333

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APPENDIX

Appendix A – Code of Federal Register – Oil Pollution Prevention (CFR 40, Part 112)
Appendix B1 – SPCC Plan Review History
Appendix B2 – History of Inspections, Examinations, and Testing
Appendix B3 – Record of Personnel Training
Appendix B4 – Spill History
Appendix C – Checklists for Tank Inspection
Appendix D – Tank Inspection and Testing Reports
Appendix E – Spill Notification Notice

SPILL PREVENTION CONTROL AND COUNTERMEASURE PLAN (SPCC PLAN)

1. Name, Ownership, Management Approval, and Certification

Name of facility: Commercial Fuel Recycling, LLC

Type of facility: Used Oil Processing and Storage

Location of facility: 710 North Sugar Street
Nampa, ID 83687

Name and address of owner or operator: Randy Blackburn
7336 Coral Court
Nampa, ID 83687
(208) 465-5296 (Office)
(208) 250-2129 (Cell)
(208) 442-0240 (Home)

Alternate: ~~Dirk Edwards~~
~~(208) 841-3187 (Cell)~~
~~(208) 495-2158 (Home)~~

Designated person accountable for oil spill prevention at facility: Randy Blackburn

Oil spill history:
This facility has experienced no significant oil spill events and will respond to the Regional Administrator as required under 40 CFR 112.4.

MANAGEMENT APPROVAL

This SPCC Plan will be implemented as herein described. Full approval is extended by Commercial Fuel Recycling, LLC to commit the necessary resources toward spill prevention.

Signature

Name Randy Blackburn

Title Owner

CERTIFICATION

I hereby certify that I have examined the facility, and being familiar with the provisions of 40 CFR, Part 112, attest that this SPCC Plan has been prepared in accordance with good engineering practices.

J. Reese Leavitt, P.E./S.E.

Name of Registered Professional Engineer

Signature of Registered Professional Engineer

Registration No. 4690 State Idaho

Date 11-10-2003

2. Description of Facility

Commercial Fuel Recycling, LLC is an onshore storage tank facility that recycles used oil. Tanks at this facility are rented to others primarily for the storage of petroleum related products. The facility is currently storing ethanol, used oil, oily water, antifreeze, and kerosene. The site property is located at 720 North Sugar Street in Nampa, Canyon County, Idaho. The property is situated on approximately 1.0 acre. At various locations on the site are bulk storage tanks, pumping facilities, loading and unloading areas, and warehouse space. The lot is graded smooth and surfaced with compacted gravel. Lot drainage has been directed south-southwest, away from the facilities. Approximately 200 feet to the south is a small drainage ditch, which drains east to west and then turns south between Sugar Street and the railroad embankment. A facility Location Map which shows the location of the Commercial Fuel Recycling, LLC facilities within the City of Nampa and a Site Plan which shows the warehouse, pumping facilities, and tank layout follows this report.

1.Fixed Storage:

On the north-east corner of the site, a 60,000-gallon vertical tank is situated within a diked area. The tank is of steel construction designed especially for fuel storage. The inside of the tank has been fiberglassed to prevent rusting. The tank is completely enclosed by a four-foot high dike. The dike is of reinforced concrete construction and will retain approximately 19,400 gallons before overflowing. This area is for treated/product water storage.

On the south-east corner of the site, a 150,000-gallon vertical tank, a 110,000-gallon vertical tank, and a 5,000-gallon horizontal tank are situated within a diked area. The tanks are of steel construction designed especially for fuel storage. The inside of the tanks have been fiberglassed to prevent rusting. The tanks are all completely enclosed by a six-foot high dike. The dike is of reinforced concrete construction and will retain approximately 192,000 gallons before overflowing.

On the west side of the site there are one 13,000-gallon horizontal tank, one 10,000-gallon horizontal tank, and two 12,000-gallon horizontal tanks that are situated within a diked area. The tanks are of steel construction designed especially for fuel storage. The inside of the tanks have been fiberglassed to prevent rusting. The tanks are completely enclosed by a three-foot high dike. The dike is of reinforced concrete construction and will retain approximately 35,000 gallons before overflowing. The floor is concrete, and is impervious to waste oil.

All of the tanks are equipped with air release valves on top to permit air to enter and escape during emptying and filling. Discharge of oil from the air release during filling is prevented by the use of sight gauges on each tank. When oil is ordered to fill the tanks, only the amount as indicated by the sight gauge necessary to top off the tank is ordered or delivered.

The facility is surrounded by a six-foot high steel security fence and the gate is locked when the plant is unattended.

2.Transfer/Loading/Unloading:

The Stock Transfer and Truck Unloading/Loading system includes transfer and unloading pumps, truck loading metering system, a truck unloading screen sump, and a piping system. These

facilities are used to make any stock transfers from one tank to another, unload trucks to a specific tank, or load products from tanks to trucks.

3. Past Spill Experiences

This facility has experienced no significant oil spill events.

4. Potential Spills – Prediction and Control

Source	Major Type of Failure	Total Quantity of Rate (gals)	Gals/Hr	Secondary Containment
Pump	Seal	150 gal.	150 gal. max.	On Site
Piping	Break	150 gal.	150 gal. max.	On Site
Tank	Rupture	Tank Vol.	Tank Vol.	Yes
Piping	Valve	150 gal.	150 gal. max.	On Site

5. Spill Prevention – Storage Tanks

- A) All storage tanks are round steel tanks designed for the service that they are used.
- B) The main outlet valve on each tank is lock-shut when the plant is unattended.
- C) The main power switch for pumps is lock-shut when the plant is unattended.
- D) Storage tanks are coated with a corrosion protection approved for the specific service.
- E) Venting capacity is suitable for the fill and withdrawal rates.
- F) Operating Procedures require that manual gauges be taken before and after receipts, during or after extremely heavy rainfall, at audit periods, and the last day of the month.
- G) Tanks are inspected daily. Inspection includes visual inspection for leakage, corrosion, buckling, or settling of tanks.
- H) Valves and piping are inspected daily including flange joints, expansion joints, valve glands and bodies.
- I) A water drain valve is located within the dike enclosures and they connect to a normally-closed gate valve outside the dike.

6. Spill Prevention – Truck Loading/Unloading Area

- A) The Truck Loading and Unloading facility meets the minimum requirements and regulations established by the Department of Transportation.
- B) The main outlet valve on each tank is lock-shut when the plant is unattended.
- C) Drains and outlets on tank trucks are examined for leakage prior to filling.
- D) Pipe supports are designed to minimize abrasion and corrosion and allow for expansion

and contraction.

- E) Preventive maintenance inspections are performed regularly to examine all above-ground valves, piping, and supports.
- F) Piping systems are protected from vehicular traffic by the loading rack pipe supports.

7. Spill Procedures

- A) Emergency containment action will constitute the erection of an earthen dam and placement of absorbent pillars at the southwest corner of the facility to retain a spill on the plant site. Any major spill will be collected by means of vacuum trucks. The spilled product will be returned to the facility and stored in tanks.
- B) The main outlet valve on each tank is lock-shut when the plant is unattended.

8. Personnel Training

Renter personnel have been instructed and rehearsed in the following SPCC practices:

- A) Instructions and phone numbers have been publicized and posted at the office regarding the report of a spill to the National Response Center (1-800-424-8802), the U.S. Coast Guard, the EPA, and the applicable State Environmental agency (Refer to Appendix E).
- B) The main outlet valve on each tank is lock-shut when the plant is unattended.
- C) Tanks are inventoried before and after any product movement.
- D) Warning signs are displayed to check for line disconnection before vehicle departures.
- E) Instruction has been held on oil spill prevention, containment, and retrieval methods.

9. Records and Records of Retention

- A) SPCC Plan Review and Amendments shall be recorded in Appendix B1-SPCC Plan Review History. The Plan shall be reviewed and/or amended:
 - 1. When required by the EPA after review of the Plan, submitted because of a spill event;
 - 2. Whenever there is a change in facility design, construction, operations, or maintenance which materially affects the potential for an oil spill; or
 - 3. The owner or operator is required to review each SPCC Plan at least once every three years, and an amendment is required if such review indicates more effective control and prevention technology will significantly reduce the likelihood of a spill event.
- B) All tanks shall be inspected and tested in accordance with API Standard 653 – Tank Inspection, Repair, Alteration, and Reconstruction. Visual inspections and ultrasonic thickness measurements shall be conducted at least every five years following the procedures in API 653. Inspection, examination, and testing records shall be recorded in

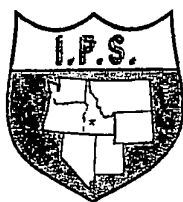
Appendix B2-History of Inspections, Examinations, and Testing. Inspection and testing reports shall be retained for five years. Routine and daily inspections are not recorded.

- C) A record of personnel training shall be maintained in Appendix B3-Record of Personnel Training.
- D) A record of each reportable spill(s) will be maintained in Appendix B4-Spill History, and contain the following data:
 - 1. Date and volume of spill;
 - 2. Cause, including a failure analysis of the system or operational procedures involved
 - 3. Corrective actions and/or countermeasures taken including procedural changes, equipment repairs and/or replacement, equipment added; and
 - 4. Any additional preventive measures taken to minimize recurrence or plans for preventing recurrence.

10. Future Spill Prevention Plans

- A) A new area light to be mounted on the power pole located at the northeast corner of the existing warehouse to illuminate the storage tank areas.
- B) The unused or out of service loading/unloading connections of oil pipelines should be securely capped or blanked-flanged.
- C) Provide spill containment supplies at the facility.
- D) Install a one and one half-inch locking-ball valve on the filter vessel drain.
- E) Install a pressure relief valve on top of the filter vessel.
- F) Install ground-level spill containment on incoming lines. This will provide a locked cabinet when system is unattended.
- G) Replace four-inch plug valve with locking-ball valve.
- H) Install rack monitor to prevent over-filling of trucks.
- I) Install sign "emergency power shut-off switch" at power box on incoming power pole.
- J) Install sign listing emergency contact information.
- K) Install warning sign, "Disconnect.....before departure."
- L) Label contents of each tank.
- M) Document inspection and training.

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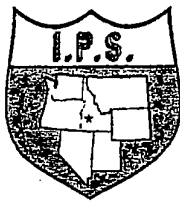
Petroleum Services

Photographs of

Tank # 1

3 pages

**For: Commercial Fuel Recycling
Sugar Ave, Nampa, Idaho**



INTERSTATE

Petroleum Services

Saturday, October 18, 2003

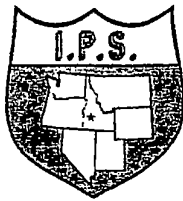
Dirk Edwards
Commercial Fuel Recycling
Sugar Avenue
Nampa, Idaho

Tank # 1 Small Tank

- Checked LEL with explosion meter.
- Entered tank and swept clean of all loose particles.
- Wire brushed entire bottom of tank to remove scale.
- Vacuumed entire floor bottom of tank.
- Inspected all welded seams.
- Inspected all floor panels.
- Photographed seams and panel sections.
- Found that the floor and wall welds were in good condition.
- The floor panels were in good condition with very minor pitting.
- The tank is in good condition and shows no sign of leaking.
- Photos are attached to this report.

Tank # 2 Large Tank

- Checked LEL with explosion meter.
- Entered tank and swept clean of all loose particles.
- Wire brushed entire bottom of tank to remove scale.
- Vacuumed entire floor bottom of tank.
- Inspected all welded seams.
- Inspected all floor panels.
- Photographed seams and panel sections.



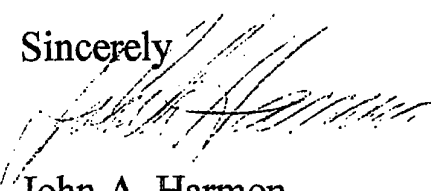
INTERSTATE

Petroleum Services

- Found that the floor and wall welds were in good condition.
- The floor panels were in good condition with some pitting.
- The tank is in good condition and shows no sign of leaking.
- Photos are attached to this report.

Thank you for allowing Interstate Petroleum Services LLC to perform this service for you. If you have any questions please call 467-6865.

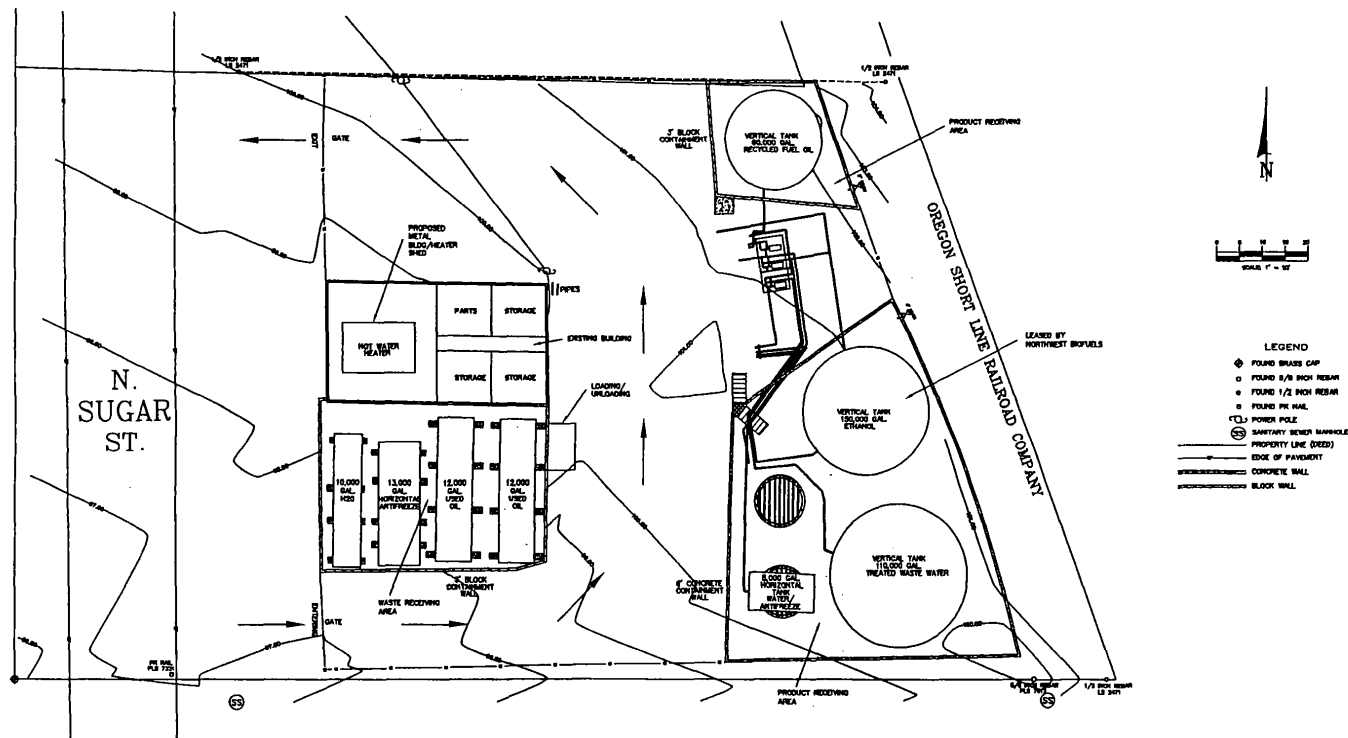
Sincerely,


John A. Harmon
Interstate Petroleum Services LLC

CC: File

SITE PLAN FOR: COMMERCIAL FUEL RECYCLING, LLC

SEPTEMBER 2003



REVISIONS	NO.	DATE	BY	DESCRIPTION
1	9/27/04	HR		DIRECTION ARROWS AND RELABEL TANKS

COMMERCIAL FUEL RECYCLING, LLC.

7336 CORAL CT.
NAMPA, IDAHO 83687
(208) 465-5296

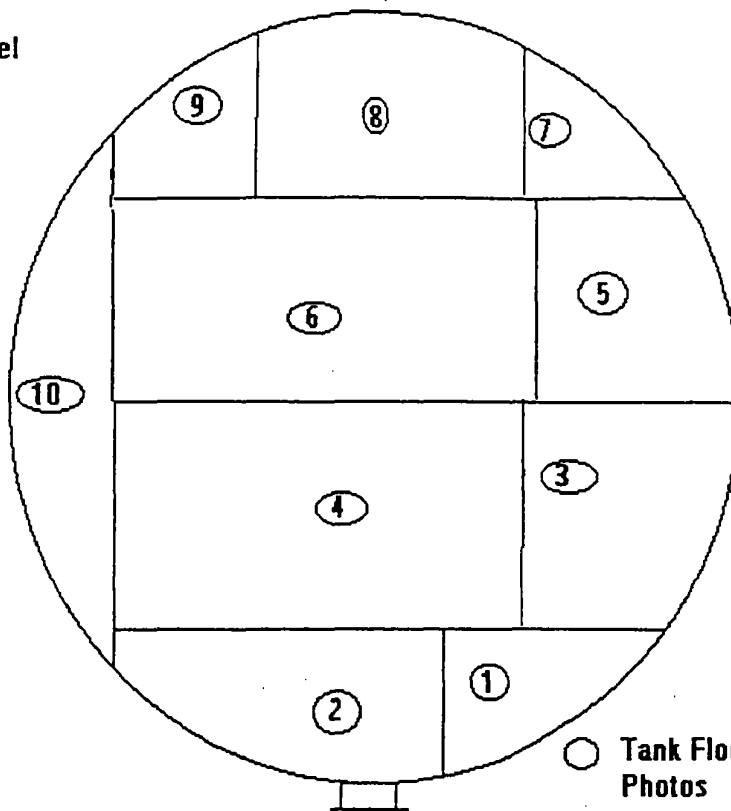


LEAVITT & ASSOCIATES
ENGINEERS, INC.
STRUCTURAL • CIVIL
SURVEYING

SITE PLAN FOR
COMMERCIAL FUEL RECYCLING, LLC
CITY OF NAMPA, IDAHO

DRG. NO.	DATE	BY	1	0
00155.001	9/27/04	HR		
1" = 10'				

**Tank # 1
Commercial Fuel
Recycling**



○ Tank Floor Section
Photos

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112 of the Code of Federal Regulations, is amended as follows:

PART 112—OIL POLLUTION PREVENTION

1. The authority for part 112 continues to read as follows:

Authority: 33 U.S.C. 1251 *et seq.*; 33 U.S.C. 2720; E.O. 12777 (October 18, 1991), 3 CFR, 1991 Comp., p. 351.

2. Part 112 is amended by designating §§ 112.1 through 112.7 as subpart A, adding a subpart heading and revising newly designated subpart A to read as follows:

Subpart A—Applicability, Definitions, and General Requirements For All Facilities and All Types of Oils

Sec.

112.1 General applicability.

112.2 Definitions.

112.3 Requirement to prepare and implement a Spill Prevention, Control, and Countermeasure Plan.

112.4 Amendment of Spill Prevention, Control, and Countermeasure Plan by Regional Administrator.

112.5 Amendment of Spill Prevention, Control, and Countermeasure Plan by owners or operators.

112.6 [Reserved].

112.7 General requirements for Spill Prevention, Control, and Countermeasure Plans.

Subpart A—Applicability, Definitions, and General Requirements for All Facilities and All Types of Oils

§ 112.1 General applicability.

(a)(1) This part establishes procedures, methods, equipment, and other requirements to prevent the discharge of oil from non-transportation-related onshore and offshore facilities into or upon the navigable waters of the United States or adjoining shorelines, or into or upon the waters of the contiguous zone, or in connection with activities under the Outer Continental Shelf Lands Act or the Deepwater Port Act of 1974, or that may affect natural resources belonging to, appertaining to, or under the exclusive management authority of the United States (including resources under the Magnuson Fishery Conservation and Management Act).

(2) As used in this part, words in the singular also include the plural and words in the masculine gender also include the feminine and vice versa, as the case may require.

(b) Except as provided in paragraph (d) of this section, this part applies to any owner or operator of a non-transportation-related onshore or offshore facility engaged in drilling, producing, gathering, storing,

processing, refining, transferring, distributing, using, or consuming oil and oil products, which due to its location, could reasonably be expected to discharge oil in quantities that may be harmful, as described in part 110 of this chapter, into or upon the navigable waters of the United States or adjoining shorelines, or into or upon the waters of the contiguous zone, or in connection with activities under the Outer Continental Shelf Lands Act or the Deepwater Port Act of 1974, or that may affect natural resources belonging to, appertaining to, or under the exclusive management authority of the United States (including resources under the Magnuson Fishery Conservation and Management Act) that has oil in:

- (1) Any aboveground container;
- (2) Any completely buried tank as defined in § 112.2;
- (3) Any container that is used for standby storage, for seasonal storage, or for temporary storage, or not otherwise "permanently closed" as defined in § 112.2;
- (4) Any "bunkered tank" or "partially buried tank" as defined in § 112.2, or any container in a vault, each of which is considered an aboveground storage container for purposes of this part.

(c) As provided in section 313 of the Clean Water Act (CWA), departments, agencies, and instrumentalities of the Federal government are subject to this part to the same extent as any person.

(d) Except as provided in paragraph (f) of this section, this part does not apply to:

(1) The owner or operator of any facility, equipment, or operation that is not subject to the jurisdiction of the Environmental Protection Agency (EPA) under section 311(j)(1)(C) of the CWA, as follows:

(i) Any onshore or offshore facility, that due to its location, could not reasonably be expected to have a discharge as described in paragraph (b) of this section. This determination must be based solely upon consideration of the geographical and location aspects of the facility (such as proximity to navigable waters or adjoining shorelines; land contour, drainage, etc.) and must exclude consideration of manmade features such as dikes, equipment or other structures, which may serve to restrain, hinder, contain, or otherwise prevent a discharge as described in paragraph (b) of this section.

(ii) Any equipment, or operation of a vessel or transportation-related onshore or offshore facility which is subject to the authority and control of the U.S. Department of Transportation, as defined in the Memorandum of Understanding between the Secretary of Transportation and the Administrator of EPA, dated November 24, 1971 (Appendix A of this part).

(iii) Any equipment, or operation of a vessel or onshore or offshore facility which is subject to the authority and control of the U.S. Department of the Interior, as defined in the Memorandum of Understanding between the Secretary of Transportation, the Secretary of the Interior, and the Administrator of EPA, dated November 8, 1993 (Appendix B of this part).

(2) Any facility which, although otherwise subject to the jurisdiction of EPA, meets both of the following requirements:

(i) The completely buried storage capacity of the facility is 42,000 gallons or less of oil. For purposes of this exemption, the completely buried storage capacity of a facility excludes the capacity of a completely buried tank, as defined in § 112.2, and connected underground piping, underground ancillary equipment, and containment systems, that is currently subject to all of the technical requirements of part 280 of this chapter or all of the technical requirements of a State program approved under part 281 of this chapter. The completely buried storage capacity of a facility also excludes the capacity of a container that is "permanently closed," as defined in § 112.2.

(ii) The aggregate aboveground storage capacity of the facility is 1,320 gallons or less of oil. For purposes of this exemption, only containers of oil with a capacity of 55 gallons or greater are counted. The aggregate aboveground storage capacity of a facility excludes the capacity of a container that is "permanently closed," as defined in § 112.2.

(3) Any offshore oil drilling, production, or workover facility that is subject to the notices and regulations of the Minerals Management Service, as specified in the Memorandum of Understanding between the Secretary of Transportation, the Secretary of the Interior, and the Administrator of EPA, dated November 8, 1993 (Appendix B of this part).

(4) Any completely buried storage tank, as defined in § 112.2, and connected underground piping, underground ancillary equipment, and containment systems, at any facility, that is subject to all of the technical requirements of part 280 of this chapter or a State program approved under part 281 of this chapter; except that such a tank must be marked on the facility diagram as provided in § 112.7(a)(3), if

the facility is otherwise subject to this part.

(5) Any container with a storage capacity of less than 55 gallons of oil.

(6) Any facility or part thereof used exclusively for wastewater treatment and not used to satisfy any requirement of this part. The production, recovery, or recycling of oil is not wastewater treatment for purposes of this paragraph.

(e) This part establishes requirements for the preparation and implementation of Spill Prevention, Control, and Countermeasure (SPCC) Plans. SPCC Plans are designed to complement existing laws, regulations, rules, standards, policies, and procedures pertaining to safety standards, fire prevention, and pollution prevention rules. The purpose of an SPCC Plan is to form a comprehensive Federal/State spill prevention program that minimizes the potential for discharges. The SPCC Plan must address all relevant spill prevention, control, and countermeasures necessary at the specific facility. Compliance with this part does not in any way relieve the owner or operator of an onshore or an offshore facility from compliance with other Federal, State, or local laws.

(f) Notwithstanding paragraph (d) of this section, the Regional Administrator may require that the owner or operator of any facility subject to the jurisdiction of EPA under section 311(j) of the CWA prepare and implement an SPCC Plan, or any applicable part, to carry out the purposes of the CWA.

(1) Following a preliminary determination, the Regional Administrator must provide a written notice to the owner or operator stating the reasons why he must prepare an SPCC Plan, or applicable part. The Regional Administrator must send such notice to the owner or operator by certified mail or by personal delivery. If the owner or operator is a corporation, the Regional Administrator must also mail a copy of such notice to the registered agent, if any and if known, of the corporation in the State where the facility is located.

(2) Within 30 days of receipt of such written notice, the owner or operator may provide information and data and may consult with the Agency about the need to prepare an SPCC Plan, or applicable part.

(3) Within 30 days following the time under paragraph (b)(2) of this section within which the owner or operator may provide information and data and consult with the Agency about the need to prepare an SPCC Plan, or applicable part, the Regional Administrator must make a final determination regarding

whether the owner or operator is required to prepare and implement an SPCC Plan, or applicable part. The Regional Administrator must send the final determination to the owner or operator by certified mail or by personal delivery. If the owner or operator is a corporation, the Regional Administrator must also mail a copy of the final determination to the registered agent, if any and if known, of the corporation in the State where the facility is located.

(4) If the Regional Administrator makes a final determination that an SPCC Plan, or applicable part, is necessary, the owner or operator must prepare the Plan, or applicable part, within six months of that final determination and implement the Plan, or applicable part, as soon as possible, but not later than one year after the Regional Administrator has made a final determination.

(5) The owner or operator may appeal a final determination made by the Regional Administrator requiring preparation and implementation of an SPCC Plan, or applicable part, under this paragraph. The owner or operator must make the appeal to the Administrator of EPA within 30 days of receipt of the final determination under paragraph (b)(3) of this section from the Regional Administrator requiring preparation and/or implementation of an SPCC Plan, or applicable part. The owner or operator must send a complete copy of the appeal to the Regional Administrator at the time he makes the appeal to the Administrator. The appeal must contain a clear and concise statement of the issues and points of fact in the case. In the appeal, the owner or operator may also provide additional information. The additional information may be from any person. The Administrator may request additional information from the owner or operator. The Administrator must render a decision within 60 days of receiving the appeal or additional information submitted by the owner or operator and must serve the owner or operator with the decision made in the appeal in the manner described in paragraph (f)(1) of this section.

§ 112.2 Definitions.

For the purposes of this part:

Adverse weather means weather conditions that make it difficult for response equipment and personnel to clean up or remove spilled oil, and that must be considered when identifying response systems and equipment in a response plan for the applicable operating environment. Factors to consider include significant wave height as specified in Appendix E to this part

(as appropriate), ice conditions, temperatures, weather-related visibility, and currents within the area in which the systems or equipment is intended to function.

Alteration means any work on a container involving cutting, burning, welding, or heating operations that changes the physical dimensions or configuration of the container.

Animal fat means a non-petroleum oil, fat, or grease of animal, fish, or marine mammal origin.

Breakout tank means a container used to relieve surges in an oil pipeline system or to receive and store oil transported by a pipeline for reinjection and continued transportation by pipeline.

Bulk storage container means any container used to store oil. These containers are used for purposes including, but not limited to, the storage of oil prior to use, while being used, or prior to further distribution in commerce. Oil-filled electrical, operating, or manufacturing equipment is not a bulk storage container.

Bunkered tank means a container constructed or placed in the ground by cutting the earth and re-covering the container in a manner that breaks the surrounding natural grade, or that lies above grade, and is covered with earth, sand, gravel, asphalt, or other material. A bunkered tank is considered an aboveground storage container for purposes of this part.

Completely buried tank means any container completely below grade and covered with earth, sand, gravel, asphalt, or other material. Containers in vaults, bunkered tanks, or partially buried tanks are considered aboveground storage containers for purposes of this part.

Complex means a facility possessing a combination of transportation-related and non-transportation-related components that is subject to the jurisdiction of more than one Federal agency under section 311(j) of the CWA.

Contiguous zone means the zone established by the United States under Article 24 of the Convention of the Territorial Sea and Contiguous Zone, that is contiguous to the territorial sea and that extends nine miles seaward from the outer limit of the territorial area.

Contract or other approved means means:

(1) A written contractual agreement with an oil spill removal organization that identifies and ensures the availability of the necessary personnel and equipment within appropriate response times; and/or

(2) A written certification by the owner or operator that the necessary personnel and equipment resources, owned or operated by the facility owner or operator, are available to respond to a discharge within appropriate response times; and/or

(3) Active membership in a local or regional oil spill removal organization that has identified and ensures adequate access through such membership to necessary personnel and equipment to respond to a discharge within appropriate response times in the specified geographic area; and/or

(4) Any other specific arrangement approved by the Regional Administrator upon request of the owner or operator.

Discharge includes, but is not limited to, any spilling, leaking, pumping, pouring, emitting, emptying, or dumping of oil, but excludes discharges in compliance with a permit under section 402 of the CWA; discharges resulting from circumstances identified, reviewed, and made a part of the public record with respect to a permit issued or modified under section 402 of the CWA, and subject to a condition in such permit; or continuous or anticipated intermittent discharges from a point source, identified in a permit or permit application under section 402 of the CWA, that are caused by events occurring within the scope of relevant operating or treatment systems. For purposes of this part, the term discharge shall not include any discharge of oil that is authorized by a permit issued under section 13 of the River and Harbor Act of 1899 (33 U.S.C. 407).

Facility means any mobile or fixed, onshore or offshore building, structure, installation, equipment, pipe, or pipeline (other than a vessel or a public vessel) used in oil well drilling operations, oil production, oil refining, oil storage, oil gathering, oil processing, oil transfer, oil distribution, and waste treatment, or in which oil is used, as described in Appendix A to this part. The boundaries of a facility depend on several site-specific factors, including, but not limited to, the ownership or operation of buildings, structures, and equipment on the same site and the types of activity at the site.

Fish and wildlife and sensitive environments means areas that may be identified by their legal designation or by evaluations of Area Committees (for planning) or members of the Federal On-Scene Coordinator's spill response structure (during responses). These areas may include wetlands, National and State parks, critical habitats for endangered or threatened species, wilderness and natural resource areas, marine sanctuaries and estuarine

reserves, conservation areas, preserves, wildlife areas, wildlife refuges, wild and scenic rivers, recreational areas, national forests, Federal and State lands that are research national areas, heritage program areas, land trust areas, and historical and archaeological sites and parks. These areas may also include unique habitats such as aquaculture sites and agricultural surface water intakes, bird nesting areas, critical biological resource areas, designated migratory routes, and designated seasonal habitats.

Injury means a measurable adverse change, either long- or short-term, in the chemical or physical quality or the viability of a natural resource resulting either directly or indirectly from exposure to a discharge, or exposure to a product of reactions resulting from a discharge.

Maximum extent practicable means within the limitations used to determine oil spill planning resources and response times for on-water recovery, shoreline protection, and cleanup for worst case discharges from onshore non-transportation-related facilities in adverse weather. It includes the planned capability to respond to a worst case discharge in adverse weather, as contained in a response plan that meets the requirements in § 112.20 or in a specific plan approved by the Regional Administrator.

Navigable waters means the waters of the United States, including the territorial seas.

(1) The term includes:

(i) All waters that are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters subject to the ebb and flow of the tide;

(ii) All interstate waters, including interstate wetlands;

(iii) All other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation, or destruction of which could affect interstate or foreign commerce including any such waters:

(A) That are or could be used by interstate or foreign travelers for recreational or other purposes; or

(B) From which fish or shellfish are or could be taken and sold in interstate or foreign commerce; or

(C) That are or could be used for industrial purposes by industries in interstate commerce;

(iv) All impoundments of waters otherwise defined as waters of the United States under this section;

(v) Tributaries of waters identified in paragraphs (1)(i) through (iv) of this definition;

(vi) The territorial sea; and

(vii) Wetlands adjacent to waters (other than waters that are themselves wetlands) identified in paragraph (1) of this definition.

(2) Waste treatment systems, including treatment ponds or lagoons designed to meet the requirements of the CWA (other than cooling ponds which also meet the criteria of this definition) are not waters of the United States. Navigable waters do not include prior converted cropland.

Notwithstanding the determination of an area's status as prior converted cropland by any other Federal agency, for the purposes of the CWA, the final authority regarding CWA jurisdiction remains with EPA.

Non-petroleum oil means oil of any kind that is not petroleum-based, including but not limited to: Fats, oils, and greases of animal, fish, or marine-mammal origin; and vegetable oils, including oils from seeds, nuts, fruits, and kernels.

Offshore facility means any facility of any kind (other than a vessel or public vessel) located in, on, or under any of the navigable waters of the United States, and any facility of any kind that is subject to the jurisdiction of the United States and is located in, on, or under any other waters.

Oil means oil of any kind or in any form, including, but not limited to: fats, oils, or greases of animal, fish, or marine-mammal origin; vegetable oils, including oils from seeds, nuts, fruits, or kernels; and, other oils and greases, including petroleum, fuel oil, sludge, synthetic oils, mineral oils, oil refuse, or oil mixed with wastes other than dredged spoil.

Oil Spill Removal Organization means an entity that provides oil spill response resources, and includes any for-profit or not-for-profit contractor, cooperative, or in-house response resources that have been established in a geographic area to provide required response resources.

Onshore facility means any facility of any kind located in, on, or under any land within the United States, other than submerged lands.

Owner or operator means any person owning or operating an onshore facility or an offshore facility, and in the case of any abandoned offshore facility, the person who owned or operated or maintained the facility immediately prior to such abandonment.

Partially buried tank means a storage container that is partially inserted or constructed in the ground, but not entirely below grade, and not

completely covered with earth, sand, gravel, asphalt, or other material. A partially buried tank is considered an aboveground storage container for purposes of this part.

Permanently closed means any container or facility for which:

(1) All liquid and sludge has been removed from each container and connecting line; and

(2) All connecting lines and piping have been disconnected from the container and blanked off, all valves (except for ventilation valves) have been closed and locked, and conspicuous signs have been posted on each container stating that it is a permanently closed container and noting the date of closure.

Person includes an individual, firm, corporation, association, or partnership.

Petroleum oil means petroleum in any form, including but not limited to crude oil, fuel oil, mineral oil, sludge, oil refuse, and refined products.

Production facility means all structures (including but not limited to wells, platforms, or storage facilities), piping (including but not limited to flowlines or gathering lines), or equipment (including but not limited to workover equipment, separation equipment, or auxiliary non-transportation-related equipment) used in the production, extraction, recovery, lifting, stabilization, separation or treating of oil, or associated storage or measurement, and located in a single geographical oil or gas field operated by a single operator.

Regional Administrator means the Regional Administrator of the Environmental Protection Agency, in and for the Region in which the facility is located.

Repair means any work necessary to maintain or restore a container to a condition suitable for safe operation, other than that necessary for ordinary, day-to-day maintenance to maintain the functional integrity of the container and that does not weaken the container.

Spill Prevention, Control, and Countermeasure Plan; SPCC Plan, or Plan means the document required by § 112.3 that details the equipment, workforce, procedures, and steps to prevent, control, and provide adequate countermeasures to a discharge.

Storage capacity of a container means the shell capacity of the container.

Transportation-related and non-transportation-related, as applied to an onshore or offshore facility, are defined in the Memorandum of Understanding between the Secretary of Transportation and the Administrator of the Environmental Protection Agency, dated

November 24, 1971, (Appendix A of this part).

United States means the States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, Guam, American Samoa, the U.S. Virgin Islands, and the Pacific Island Governments.

Vegetable oil means a non-petroleum oil or fat of vegetable origin, including but not limited to oils and fats derived from plant seeds, nuts, fruits, and kernels.

Vessel means every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on water, other than a public vessel.

Wetlands means those areas that are inundated or saturated by surface or groundwater at a frequency or duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include playa lakes, swamps, marshes, bogs, and similar areas such as sloughs, prairie potholes, wet meadows, prairie river overflows, mudflats, and natural ponds.

Worst case discharge for an onshore non-transportation-related facility means the largest foreseeable discharge in adverse weather conditions as determined using the worksheets in Appendix D to this part.

§ 112.3 Requirement to prepare and implement a Spill Prevention, Control, and Countermeasure Plan.

The owner or operator of an onshore or offshore facility subject to this section must prepare a Spill Prevention, Control, and Countermeasure Plan (hereafter "SPCC Plan" or "Plan"), in writing, and in accordance with § 112.7, and any other applicable section of this part.

(a) If your onshore or offshore facility was in operation on or before August 16, 2002, you must maintain your Plan, but must amend it, if necessary to ensure compliance with this part, on or before February 17, 2003, and must implement the amended Plan as soon as possible, but not later than August 18, 2003. If your onshore or offshore facility becomes operational after August 16, 2002, through August 18, 2003, and could reasonably be expected to have a discharge as described in § 112.1(b), you must prepare a Plan on or before August 18, 2003, and fully implement it as soon as possible, but not later than August 18, 2003.

(b) If you are the owner or operator of an onshore or offshore facility that becomes operational after August 18,

2003, and could reasonably be expected to have a discharge as described in § 112.1(b), you must prepare and implement a Plan before you begin operations.

(c) If you are the owner or operator of an onshore or offshore mobile facility, such as an onshore drilling or workover rig, barge mounted offshore drilling or workover rig, or portable fueling facility, you must prepare, implement, and maintain a facility Plan as required by this section. This provision does not require that you prepare a new Plan each time you move the facility to a new site. The Plan may be a general plan. When you move the mobile or portable facility, you must locate and install it using the discharge prevention practices outlined in the Plan for the facility. You may not operate a mobile or portable facility subject to this part unless you have implemented the Plan. The Plan is applicable only while the facility is in a fixed (non-transportation) operating mode.

(d) A licensed Professional Engineer must review and certify a Plan for it to be effective to satisfy the requirements of this part.

(1) By means of this certification the Professional Engineer attests:

- (i) That he is familiar with the requirements of this part;
- (ii) That he or his agent has visited and examined the facility;
- (iii) That the Plan has been prepared in accordance with good engineering practice, including consideration of applicable industry standards, and with the requirements of this part;
- (iv) That procedures for required inspections and testing have been established; and
- (v) That the Plan is adequate for the facility.

(2) Such certification shall in no way relieve the owner or operator of a facility of his duty to prepare and fully implement such Plan in accordance with the requirements of this part.

(e) If you are the owner or operator of a facility for which a Plan is required under this section, you must:

(1) Maintain a complete copy of the Plan at the facility if the facility is normally attended at least four hours per day, or at the nearest field office if the facility is not so attended, and

(2) Have the Plan available to the Regional Administrator for on-site review during normal working hours.

(f) **Extension of time.** (1) The Regional Administrator may authorize an extension of time for the preparation and full implementation of a Plan, or any amendment thereto, beyond the time permitted for the preparation, implementation, or amendment of a

Plan under this part, when he finds that the owner or operator of a facility subject to this section, cannot fully comply with the requirements as a result of either nonavailability of qualified personnel, or delays in construction or equipment delivery beyond the control and without the fault of such owner or operator or his agents or employees.

(2) If you are an owner or operator seeking an extension of time under paragraph (f)(1) of this section, you may submit a written extension request to the Regional Administrator. Your request must include:

(i) A full explanation of the cause for any such delay and the specific aspects of the Plan affected by the delay;

(ii) A full discussion of actions being taken or contemplated to minimize or mitigate such delay; and

(iii) A proposed time schedule for the implementation of any corrective actions being taken or contemplated, including interim dates for completion of tests or studies, installation and operation of any necessary equipment, or other preventive measures. In addition you may present additional oral or written statements in support of your extension request.

(3) The submission of a written extension request under paragraph (f)(2) of this section does not relieve you of your obligation to comply with the requirements of this part. The Regional Administrator may request a copy of your Plan to evaluate the extension request. When the Regional Administrator authorizes an extension of time for particular equipment or other specific aspects of the Plan, such extension does not affect your obligation to comply with the requirements related to other equipment or other specific aspects of the Plan for which the Regional Administrator has not expressly authorized an extension.

§ 112.4 Amendment of Spill Prevention, Control, and Countermeasure Plan by Regional Administrator.

If you are the owner or operator of a facility subject to this part, you must:

(a) Notwithstanding compliance with § 112.3, whenever your facility has discharged more than 1,000 U.S. gallons of oil in a single discharge as described in § 112.1(b), or discharged more than 42 U.S. gallons of oil in each of two discharges as described in § 112.1(b), occurring within any twelve month period, submit the following information to the Regional Administrator within 60 days from the time the facility becomes subject to this section:

(1) Name of the facility;

(2) Your name;

(3) Location of the facility;

(4) Maximum storage or handling capacity of the facility and normal daily throughput;

(5) Corrective action and countermeasures you have taken, including a description of equipment repairs and replacements;

(6) An adequate description of the facility, including maps, flow diagrams, and topographical maps, as necessary;

(7) The cause of such discharge as described in § 112.1(b), including a failure analysis of the system or subsystem in which the failure occurred;

(8) Additional preventive measures you have taken or contemplated to minimize the possibility of recurrence; and

(9) Such other information as the Regional Administrator may reasonably require pertinent to the Plan or discharge.

(b) Take no action under this section until it applies to your facility. This section does not apply until the expiration of the time permitted for the initial preparation and implementation of the Plan under § 112.3, but not including any amendments to the Plan.

(c) Send to the appropriate agency or agencies in charge of oil pollution control activities in the State in which the facility is located a complete copy of all information you provided to the Regional Administrator under paragraph (a) of this section. Upon receipt of the information such State agency or agencies may conduct a review and make recommendations to the Regional Administrator as to further procedures, methods, equipment, and other requirements necessary to prevent and to contain discharges from your facility.

(d) Amend your Plan, if after review by the Regional Administrator of the information you submit under paragraph (a) of this section, or submission of information to EPA by the State agency under paragraph (c) of this section, or after on-site review of your Plan, the Regional Administrator requires that you do so. The Regional Administrator may require you to amend your Plan if he finds that it does not meet the requirements of this part or that amendment is necessary to prevent and contain discharges from your facility.

(e) Act in accordance with this paragraph when the Regional Administrator proposes by certified mail or by personal delivery that you amend your SPCC Plan. If the owner or operator is a corporation, he must also notify by mail the registered agent of such corporation, if any and if known,

in the State in which the facility is located. The Regional Administrator must specify the terms of such proposed amendment. Within 30 days from receipt of such notice, you may submit written information, views, and arguments on the proposed amendment. After considering all relevant material presented, the Regional Administrator must either notify you of any amendment required or rescind the notice. You must amend your Plan as required within 30 days after such notice, unless the Regional Administrator, for good cause, specifies another effective date. You must implement the amended Plan as soon as possible, but not later than six months after you amend your Plan, unless the Regional Administrator specifies another date.

(f) If you appeal a decision made by the Regional Administrator requiring an amendment to an SPCC Plan, send the appeal to the EPA Administrator in writing within 30 days of receipt of the notice from the Regional Administrator requiring the amendment under paragraph (e) of this section. You must send a complete copy of the appeal to the Regional Administrator at the time you make the appeal. The appeal must contain a clear and concise statement of the issues and points of fact in the case. It may also contain additional information from you, or from any other person. The EPA Administrator may request additional information from you, or from any other person. The EPA Administrator must render a decision within 60 days of receiving the appeal and must notify you of his decision.

§ 112.5 Amendment of Spill Prevention, Control, and Countermeasure Plan by owners or operators.

If you are the owner or operator of a facility subject to this part, you must:

(a) Amend the SPCC Plan for your facility in accordance with the general requirements in § 112.7, and with any specific section of this part applicable to your facility, when there is a change in the facility design, construction, operation, or maintenance that materially affects its potential for a discharge as described in § 112.1(b). Examples of changes that may require amendment of the Plan include, but are not limited to: commissioning or decommissioning containers; replacement, reconstruction, or movement of containers; reconstruction, replacement, or installation of piping systems; construction or demolition that might alter secondary containment structures; changes of product or service; or revision of standard operation or maintenance procedures at

a facility. An amendment made under this section must be prepared within six months, and implemented as soon as possible, but not later than six months following preparation of the amendment.

(b) Notwithstanding compliance with paragraph (a) of this section, complete a review and evaluation of the SPCC Plan at least once every five years from the date your facility becomes subject to this part; or, if your facility was in operation on or before August 16, 2002, five years from the date your last review was required under this part. As a result of this review and evaluation, you must amend your SPCC Plan within six months of the review to include more effective prevention and control technology if the technology has been field-proven at the time of the review and will significantly reduce the likelihood of a discharge as described in § 112.1(b) from the facility. You must implement any amendment as soon as possible, but not later than six months following preparation of any amendment. You must document your completion of the review and evaluation, and must sign a statement as to whether you will amend the Plan, either at the beginning or end of the Plan or in a log or an appendix to the Plan. The following words will suffice, "I have completed review and evaluation of the SPCC Plan for (name of facility) on (date), and will (will not) amend the Plan as a result."

(c) Have a Professional Engineer certify any technical amendment to your Plan in accordance with § 112.3(d).

§ 112.6 [Reserved]

§ 112.7 General requirements for Spill Prevention, Control, and Countermeasure Plans.

If you are the owner or operator of a facility subject to this part you must prepare a Plan in accordance with good engineering practices. The Plan must have the full approval of management at a level of authority to commit the necessary resources to fully implement the Plan. You must prepare the Plan in writing. If you do not follow the sequence specified in this section for the Plan, you must prepare an equivalent Plan acceptable to the Regional Administrator that meets all of the applicable requirements listed in this part, and you must supplement it with a section cross-referencing the location of requirements listed in this part and the equivalent requirements in the other prevention plan. If the Plan calls for additional facilities or procedures, methods, or equipment not yet fully operational, you must discuss

these items in separate paragraphs, and must explain separately the details of installation and operational start-up. As detailed elsewhere in this section, you must also:

(a)(1) Include a discussion of your facility's conformance with the requirements listed in this part.

(2) Comply with all applicable requirements listed in this part. Your Plan may deviate from the requirements in paragraphs (g), (h)(2) and (3), and (i) of this section and the requirements in subparts B and C of this part, except the secondary containment requirements in paragraphs (c) and (h)(1) of this section, and §§ 112.8(c)(2), 112.8(c)(11), 112.9(c)(2), 112.10(c), 112.12(c)(2), 112.12(c)(11), 112.13(c)(2), and 112.14(c), where applicable to a specific facility, if you provide equivalent environmental protection by some other means of spill prevention, control, or countermeasure. Where your Plan does not conform to the applicable requirements in paragraphs (g), (h)(2) and (3), and (i) of this section, or the requirements of subparts B and C of this part, except the secondary containment requirements in paragraphs (c) and (h)(1) of this section, and §§ 112.8(c)(2), 112.8(c)(11), 112.9(c)(2), 112.10(c), 112.12(c)(2), 112.12(c)(11), 112.13(c)(2), and 112.14(c), you must state the reasons for nonconformance in your Plan and describe in detail alternate methods and how you will achieve equivalent environmental protection. If the Regional Administrator determines that the measures described in your Plan do not provide equivalent environmental protection, he may require that you amend your Plan, following the procedures in § 112.4(d) and (e).

(3) Describe in your Plan the physical layout of the facility and include a facility diagram, which must mark the location and contents of each container. The facility diagram must include completely buried tanks that are otherwise exempted from the requirements of this part under § 112.1(d)(4). The facility diagram must also include all transfer stations and connecting pipes. You must also address in your Plan:

(i) The type of oil in each container and its storage capacity;

(ii) Discharge prevention measures including procedures for routine handling of products (loading, unloading, and facility transfers, etc.);

(iii) Discharge or drainage controls such as secondary containment around containers and other structures, equipment, and procedures for the control of a discharge;

(iv) Countermeasures for discharge discovery, response, and cleanup (both the facility's capability and those that might be required of a contractor);

(v) Methods of disposal of recovered materials in accordance with applicable legal requirements; and

(vi) Contact list and phone numbers for the facility response coordinator, National Response Center, cleanup contractors with whom you have an agreement for response, and all appropriate Federal, State, and local agencies who must be contacted in case of a discharge as described in § 112.1(b).

(4) Unless you have submitted a response plan under § 112.20, provide information and procedures in your Plan to enable a person reporting a discharge as described in § 112.1(b) to relate information on the exact address or location and phone number of the facility; the date and time of the discharge; the type of material discharged; estimates of the total quantity discharged; estimates of the quantity discharged as described in § 112.1(b); the source of the discharge; a description of all affected media; the cause of the discharge; any damages or injuries caused by the discharge; actions being used to stop, remove, and mitigate the effects of the discharge; whether an evacuation may be needed; and, the names of individuals and/or organizations who have also been contacted.

(5) Unless you have submitted a response plan under § 112.20, organize portions of the Plan describing procedures you will use when a discharge occurs in a way that will make them readily usable in an emergency, and include appropriate supporting material as appendices.

(b) Where experience indicates a reasonable potential for equipment failure (such as loading or unloading equipment, tank overflow, rupture, or leakage, or any other equipment known to be a source of a discharge), include in your Plan a prediction of the direction, rate of flow, and total quantity of oil which could be discharged from the facility as a result of each type of major equipment failure.

(c) Provide appropriate containment and/or diversionary structures or equipment to prevent a discharge as described in § 112.1(b). The entire containment system, including walls and floor, must be capable of containing oil and must be constructed so that any discharge from a primary containment system, such as a tank or pipe, will not escape the containment system before cleanup occurs. At a minimum, you must use one of the following prevention systems or its equivalent:

(1) For onshore facilities:

- (i) Dikes, berms, or retaining walls sufficiently impervious to contain oil;
- (ii) Curbing;
- (iii) Culverting, gutters, or other drainage systems;
- (iv) Weirs, booms, or other barriers;
- (v) Spill diversion ponds;
- (vi) Retention ponds; or
- (vii) Sorbent materials.

(2) For offshore facilities:

- (i) Curbing or drip pans; or
- (ii) Sumps and collection systems.

(d) If you determine that the installation of any of the structures or pieces of equipment listed in paragraphs (c) and (h)(1) of this section, and §§ 112.8(c)(2), 112.8(c)(11), 112.9(c)(2), 112.10(c), 112.12(c)(2), 112.12(c)(11), 112.13(c)(2), and 112.14(c) to prevent a discharge as described in § 112.1(b) from any onshore or offshore facility is not practicable, you must clearly explain in your Plan why such measures are not practicable; for bulk storage containers, conduct both periodic integrity testing of the containers and periodic integrity and leak testing of the valves and piping; and, unless you have submitted a response plan under § 112.20, provide in your Plan the following:

(1) An oil spill contingency plan following the provisions of part 109 of this chapter.

(2) A written commitment of manpower, equipment, and materials required to expeditiously control and remove any quantity of oil discharged that may be harmful.

(e) *Inspections, tests, and records.* Conduct inspections and tests required by this part in accordance with written procedures that you or the certifying engineer develop for the facility. You must keep these written procedures and a record of the inspections and tests, signed by the appropriate supervisor or inspector, with the SPCC Plan for a period of three years. Records of inspections and tests kept under usual and customary business practices will suffice for purposes of this paragraph.

(f) *Personnel, training, and discharge prevention procedures.* (1) At a minimum, train your oil-handling personnel in the operation and maintenance of equipment to prevent discharges; discharge procedure protocols; applicable pollution control laws, rules, and regulations; general facility operations; and, the contents of the facility SPCC Plan.

(2) Designate a person at each applicable facility who is accountable for discharge prevention and who reports to facility management.

(3) Schedule and conduct discharge prevention briefings for your oil-

handling personnel at least once a year to assure adequate understanding of the SPCC Plan for that facility. Such briefings must highlight and describe known discharges as described in § 112.1(b) or failures, malfunctioning components, and any recently developed precautionary measures.

(g) *Security (excluding oil production facilities).* (1) Fully fence each facility handling, processing, or storing oil, and lock and/or guard entrance gates when the facility is not in production or is unattended.

(2) Ensure that the master flow and drain valves and any other valves permitting direct outward flow of the container's contents to the surface have adequate security measures so that they remain in the closed position when in non-operating or non-standby status.

(3) Lock the starter control on each oil pump in the "off" position and locate it at a site accessible only to authorized personnel when the pump is in a non-operating or non-standby status.

(4) Securely cap or blank-flange the loading/unloading connections of oil pipelines or facility piping when not in service or when in standby service for an extended time. This security practice also applies to piping that is emptied of liquid content either by draining or by inert gas pressure.

(5) Provide facility lighting commensurate with the type and location of the facility that will assist in the:

(i) Discovery of discharges occurring during hours of darkness, both by operating personnel, if present, and by non-operating personnel (the general public, local police, etc.); and

(ii) Prevention of discharges occurring through acts of vandalism.

(h) *Facility tank car and tank truck loading/unloading rack (excluding offshore facilities).* (1) Where loading/unloading area drainage does not flow into a catchment basin or treatment facility designed to handle discharges, use a quick drainage system for tank car or tank truck loading and unloading areas. You must design any containment system to hold at least the maximum capacity of any single compartment of a tank car or tank truck loaded or unloaded at the facility.

(2) Provide an interlocked warning light or physical barrier system, warning signs, wheel chocks, or vehicle break interlock system in loading/unloading areas to prevent vehicles from departing before complete disconnection of flexible or fixed oil transfer lines.

(3) Prior to filling and departure of any tank car or tank truck, closely inspect for discharges the lowermost drain and all outlets of such vehicles,

and if necessary, ensure that they are tightened, adjusted, or replaced to prevent liquid discharge while in transit.

(i) If a field-constructed aboveground container undergoes a repair, alteration, reconstruction, or a change in service that might affect the risk of a discharge or failure due to brittle fracture or other catastrophe, or has discharged oil or failed due to brittle fracture failure or other catastrophe, evaluate the container for risk of discharge or failure due to brittle fracture or other catastrophe, and as necessary, take appropriate action.

(j) In addition to the minimal prevention standards listed under this section, include in your Plan a complete discussion of conformance with the applicable requirements and other effective discharge prevention and containment procedures listed in this part or any applicable more stringent State rules, regulations, and guidelines.

3. Part 112 is amended adding subpart B consisting of §§ 112.8 through 112.11 to read as follows:

Subpart B—Requirements for Petroleum Oils and Non-Petroleum Oils, Except Animal Fats and Oils and Greases, and Fish and Marine Mammal Oils; and Vegetable Oils (Including Oils from Seeds, Nuts, Fruits, and Kernels)

Sec.

112.8 Spill Prevention, Control, and Countermeasure Plan requirements for onshore facilities (excluding production facilities).

112.9 Spill Prevention, Control, and Countermeasure Plan requirements for onshore oil production facilities.

112.10 Spill Prevention, Control, and Countermeasure Plan requirements for onshore oil drilling and workover facilities.

112.11 Spill Prevention, Control, and Countermeasure Plan requirements for offshore oil drilling, production, or workover facilities.

Subpart B—Requirements for Petroleum Oils and Non-Petroleum Oils, Except Animal Fats and Oils and Greases, and Fish and Marine Mammal Oils; and Vegetable Oils (Including Oils from Seeds, Nuts, Fruits, and Kernels)

§ 112.8 Spill Prevention, Control, and Countermeasure Plan requirements for onshore facilities (excluding production facilities).

If you are the owner or operator of an onshore facility (excluding a production facility), you must:

(a) Meet the general requirements for the Plan listed under § 112.7, and the specific discharge prevention and containment procedures listed in this section.

(b) *Facility drainage.* (1) Restrain drainage from diked storage areas by valves to prevent a discharge into the drainage system or facility effluent treatment system, except where facility systems are designed to control such discharge. You may empty diked areas by pumps or ejectors; however, you must manually activate these pumps or ejectors and must inspect the condition of the accumulation before starting, to ensure no oil will be discharged.

(2) Use valves of manual, open-and-closed design, for the drainage of diked areas. You may not use flapper-type drain valves to drain diked areas. If your facility drainage drains directly into a watercourse and not into an on-site wastewater treatment plant, you must inspect and may drain uncontaminated retained stormwater, as provided in paragraphs (c)(3)(ii), (iii), and (iv) of this section.

(3) Design facility drainage systems from undiked areas with a potential for a discharge (such as where piping is located outside containment walls or where tank truck discharges may occur outside the loading area) to flow into ponds, lagoons, or catchment basins designed to retain oil or return it to the facility. You must not locate catchment basins in areas subject to periodic flooding.

(4) If facility drainage is not engineered as in paragraph (b)(3) of this section, equip the final discharge of all ditches inside the facility with a diversion system that would, in the event of an uncontrolled discharge, retain oil in the facility.

(5) Where drainage waters are treated in more than one treatment unit and such treatment is continuous, and pump transfer is needed, provide two "lift" pumps and permanently install at least one of the pumps. Whatever techniques you use, you must engineer facility drainage systems to prevent a discharge as described in § 112.1(b) in case there is an equipment failure or human error at the facility.

(c) *Bulk storage containers.* (1) Not use a container for the storage of oil unless its material and construction are compatible with the material stored and conditions of storage such as pressure and temperature.

(2) Construct all bulk storage container installations so that you provide a secondary means of containment for the entire capacity of the largest single container and sufficient freeboard to contain precipitation. You must ensure that diked areas are sufficiently impervious to contain discharged oil. Dikes, containment curbs, and pits are commonly employed for this purpose.

You may also use an alternative system consisting of a drainage trench enclosure that must be arranged so that any discharge will terminate and be safely confined in a facility catchment basin or holding pond.

(3) Not allow drainage of uncontaminated rainwater from the diked area into a storm drain or discharge of an effluent into an open watercourse, lake, or pond, bypassing the facility treatment system unless you:

(i) Normally keep the bypass valve sealed closed.

(ii) Inspect the retained rainwater to ensure that its presence will not cause a discharge as described in § 112.1(b).

(iii) Open the bypass valve and reseal it following drainage under responsible supervision; and

(iv) Keep adequate records of such events, for example, any records required under permits issued in accordance with §§ 122.41(j)(2) and 122.41(m)(3) of this chapter.

(4) Protect any completely buried metallic storage tank installed on or after January 10, 1974 from corrosion by coatings or cathodic protection compatible with local soil conditions. You must regularly leak test such completely buried metallic storage tanks.

(5) Not use partially buried or bunkered metallic tanks for the storage of oil, unless you protect the buried section of the tank from corrosion. You must protect partially buried and bunkered tanks from corrosion by coatings or cathodic protection compatible with local soil conditions.

(6) Test each aboveground container for integrity on a regular schedule, and whenever you make material repairs. The frequency of and type of testing must take into account container size and design (such as floating roof, skid-mounted, elevated, or partially buried). You must combine visual inspection with another testing technique such as hydrostatic testing, radiographic testing, ultrasonic testing, acoustic emissions testing, or another system of non-destructive shell testing. You must keep comparison records and you must also inspect the container's supports and foundations. In addition, you must frequently inspect the outside of the container for signs of deterioration, discharges, or accumulation of oil inside diked areas. Records of inspections and tests kept under usual and customary business practices will suffice for purposes of this paragraph.

(7) Control leakage through defective internal heating coils by monitoring the steam return and exhaust lines for contamination from internal heating coils that discharge into an open

watercourse, or pass the steam return or exhaust lines through a settling tank, skimmer, or other separation or retention system.

(8) Engineer or update each container installation in accordance with good engineering practice to avoid discharges. You must provide at least one of the following devices:

(i) High liquid level alarms with an audible or visual signal at a constantly attended operation or surveillance station. In smaller facilities an audible air vent may suffice.

(ii) High liquid level pump cutoff devices set to stop flow at a predetermined container content level.

(iii) Direct audible or code signal communication between the container gauger and the pumping station.

(iv) A fast response system for determining the liquid level of each bulk storage container such as digital computers, telepulse, or direct vision gauges. If you use this alternative, a person must be present to monitor gauges and the overall filling of bulk storage containers.

(v) You must regularly test liquid level sensing devices to ensure proper operation.

(9) Observe effluent treatment facilities frequently enough to detect possible system upsets that could cause a discharge as described in § 112.1(b).

(10) Promptly correct visible discharges which result in a loss of oil from the container, including but not limited to seams, gaskets, piping, pumps, valves, rivets, and bolts. You must promptly remove any accumulations of oil in diked areas.

(11) Position or locate mobile or portable oil storage containers to prevent a discharge as described in § 112.1(b). You must furnish a secondary means of containment, such as a dike or catchment basin, sufficient to contain the capacity of the largest single compartment or container with sufficient freeboard to contain precipitation.

(d) *Facility transfer operations, pumping, and facility process.* (1) Provide buried piping that is installed or replaced on or after August 16, 2002, with a protective wrapping and coating. You must also cathodically protect such buried piping installations or otherwise satisfy the corrosion protection standards for piping in part 280 of this chapter or a State program approved under part 281 of this chapter. If a section of buried line is exposed for any reason, you must carefully inspect it for deterioration. If you find corrosion damage, you must undertake additional examination and corrective action as

indicated by the magnitude of the damage.

(2) Cap or blank-flange the terminal connection at the transfer point and mark it as to origin when piping is not in service or is in standby service for an extended time.

(3) Properly design pipe supports to minimize abrasion and corrosion and allow for expansion and contraction.

(4) Regularly inspect all aboveground valves, piping, and appurtenances. During the inspection you must assess the general condition of items, such as flange joints, expansion joints, valve glands and bodies, catch pans, pipeline supports, locking of valves, and metal surfaces. You must also conduct integrity and leak testing of buried piping at the time of installation, modification, construction, relocation, or replacement.

(5) Warn all vehicles entering the facility to be sure that no vehicle will endanger aboveground piping or other oil transfer operations.

§ 112.9 Spill Prevention, Control, and Countermeasure Plan requirements for onshore oil production facilities.

If you are the owner or operator of an onshore production facility, you must:

(a) Meet the general requirements for the Plan listed under § 112.7, and the specific discharge prevention and containment procedures listed under this section.

(b) Oil production facility drainage.

(1) At tank batteries and separation and treating areas where there is a reasonable possibility of a discharge as described in § 112.1(b), close and seal at all times drains of dikes or drains of equivalent measures required under § 112.7(c)(1), except when draining uncontaminated rainwater. Prior to drainage, you must inspect the diked area and take action as provided in § 112.8(c)(3)(ii), (iii), and (iv). You must remove accumulated oil on the rainwater and return it to storage or dispose of it in accordance with legally approved methods.

(2) Inspect at regularly scheduled intervals field drainage systems (such as drainage ditches or road ditches), and oil traps, sumps, or skimmers, for an accumulation of oil that may have resulted from any small discharge. You must promptly remove any accumulations of oil.

(c) **Oil production facility bulk storage containers.** (1) Not use a container for the storage of oil unless its material and construction are compatible with the material stored and the conditions of storage.

(2) Provide all tank battery, separation, and treating facility,

installations with a secondary means of containment for the entire capacity of the largest single container and sufficient freeboard to contain precipitation. You must safely confine drainage from undiked areas in a catchment basin or holding pond.

(3) Periodically and upon a regular schedule visually inspect each container of oil for deterioration and maintenance needs, including the foundation and support of each container that is on or above the surface of the ground.

(4) Engineer or update new and old tank battery installations in accordance with good engineering practice to prevent discharges. You must provide at least one of the following:

(i) Container capacity adequate to assure that a container will not overflow if a pumper/gauger is delayed in making regularly scheduled rounds.

(ii) Overflow equalizing lines between containers so that a full container can overflow to an adjacent container.

(iii) Vacuum protection adequate to prevent container collapse during a pipeline run or other transfer of oil from the container.

(iv) High level sensors to generate and transmit an alarm signal to the computer where the facility is subject to a computer production control system.

(d) **Facility transfer operations, oil production facility.** (1) Periodically and upon a regular schedule inspect all aboveground valves and piping associated with transfer operations for the general condition of flange joints, valve glands and bodies, drip pans, pipe supports, pumping well polish rod stuffing boxes, bleeder and gauge valves, and other such items.

(2) Inspect saltwater (oil field brine) disposal facilities often, particularly following a sudden change in atmospheric temperature, to detect possible system upsets capable of causing a discharge.

(3) Have a program of flowline maintenance to prevent discharges from each flowline.

§ 112.10 Spill Prevention, Control, and Countermeasure Plan requirements for onshore oil drilling and workover facilities.

If you are the owner or operator of an onshore oil drilling and workover facility, you must:

(a) Meet the general requirements listed under § 112.7, and also meet the specific discharge prevention and containment procedures listed under this section.

(b) Position or locate mobile drilling or workover equipment so as to prevent a discharge as described in § 112.1(b).

(c) Provide catchment basins or diversion structures to intercept and

contain discharges of fuel, crude oil, or oily drilling fluids.

(d) Install a blowout prevention (BOP) assembly and well control system before drilling below any casing string or during workover operations. The BOP assembly and well control system must be capable of controlling any well-head pressure that may be encountered while that BOP assembly and well control system are on the well.

§ 112.11 Spill Prevention, Control, and Countermeasure Plan requirements for offshore oil drilling, production, or workover facilities.

If you are the owner or operator of an offshore oil drilling, production, or workover facility, you must:

(a) Meet the general requirements listed under § 112.7, and also meet the specific discharge prevention and containment procedures listed under this section.

(b) Use oil drainage collection equipment to prevent and control small oil discharges around pumps, glands, valves, flanges, expansion joints, hoses, drain lines, separators, treaters, tanks, and associated equipment. You must control and direct facility drains toward a central collection sump to prevent the facility from having a discharge as described in § 112.1(b). Where drains and sumps are not practicable, you must remove oil contained in collection equipment as often as necessary to prevent overflow.

(c) For facilities employing a sump system, provide adequately sized sump and drains and make available a spare pump to remove liquid from the sump and assure that oil does not escape. You must employ a regularly scheduled preventive maintenance inspection and testing program to assure reliable operation of the liquid removal system and pump start-up device. Redundant automatic sump pumps and control devices may be required on some installations.

(d) At facilities with areas where separators and treaters are equipped with dump valves which predominantly fail in the closed position and where pollution risk is high, specially equip the facility to prevent the discharge of oil. You must prevent the discharge of oil by:

(1) Extending the flare line to a diked area if the separator is near shore;

(2) Equipping the separator with a high liquid level sensor that will automatically shut in wells producing to the separator; or

(3) Installing parallel redundant dump valves.

(e) Equip atmospheric storage or surge containers with high liquid level

sensing devices that activate an alarm or control the flow, or otherwise prevent discharges.

(f) Equip pressure containers with high and low pressure sensing devices that activate an alarm or control the flow.

(g) Equip containers with suitable corrosion protection.

(h) Prepare and maintain at the facility a written procedure within the Plan for inspecting and testing pollution prevention equipment and systems.

(i) Conduct testing and inspection of the pollution prevention equipment and systems at the facility on a scheduled periodic basis, commensurate with the complexity, conditions, and circumstances of the facility and any other appropriate regulations. You must use simulated discharges for testing and inspecting human and equipment pollution control and countermeasure systems.

(j) Describe in detailed records surface and subsurface well shut-in valves and devices in use at the facility for each well sufficiently to determine their method of activation or control, such as pressure differential, change in fluid or flow conditions, combination of pressure and flow, manual or remote control mechanisms.

(k) Install a BOP assembly and well control system during workover operations and before drilling below any casing string. The BOP assembly and well control system must be capable of controlling any well-head pressure that may be encountered while the BOP assembly and well control system are on the well.

(l) Equip all manifolds (headers) with check valves on individual flowlines.

(m) Equip the flowline with a high pressure sensing device and shut-in valve at the wellhead if the shut-in well pressure is greater than the working pressure of the flowline and manifold valves up to and including the header valves. Alternatively you may provide a pressure relief system for flowlines.

(n) Protect all piping appurtenant to the facility from corrosion, such as with protective coatings or cathodic protection.

(o) Adequately protect sub-marine piping appurtenant to the facility against environmental stresses and other activities such as fishing operations.

(p) Maintain sub-marine piping appurtenant to the facility in good operating condition at all times. You must periodically and according to a schedule inspect or test such piping for failures. You must document and keep a record of such inspections or tests at the facility.

4. Part 112 is amended by adding subpart C consisting of §§ 112.12 through 112.15 to read as follows:

Subpart C—Requirements for Animal Fats and Oils and Greases, and Fish and Marine Mammal Oils; and for Vegetable Oils, Including Oils from Seeds, Nuts, Fruits and Kernels

Sec.

112.12 Spill Prevention, Control, and Countermeasure Plan requirements for onshore facilities (excluding production facilities).

112.13 Spill Prevention, Control, and Countermeasure Plan requirements for onshore oil production facilities.

112.14 Spill Prevention, Control, and Countermeasure Plan requirements for onshore oil drilling and workover facilities.

112.15 Spill Prevention, Control, and Countermeasure Plan requirements for offshore oil drilling, production, or workover facilities.

Subpart C—Requirements for Animal Fats and Oils and Greases, and Fish and Marine Mammal Oils; and for Vegetable Oils, including Oils from Seeds, Nuts, Fruits, and Kernels.

§ 112.12 Spill Prevention, Control, and Countermeasure Plan requirements for onshore facilities (excluding production facilities)

If you are the owner or operator of an onshore facility (excluding a production facility), you must:

(a) Meet the general requirements for the Plan listed under § 112.7, and the specific discharge prevention and containment procedures listed in this section.

(b) *Facility drainage.* (1) Restrain drainage from diked storage areas by valves to prevent a discharge into the drainage system or facility effluent treatment system, except where facility systems are designed to control such discharge. You may empty diked areas by pumps or ejectors; however, you must manually activate these pumps or ejectors and must inspect the condition of the accumulation before starting, to ensure no oil will be discharged.

(2) Use valves of manual, open-and-closed design, for the drainage of diked areas. You may not use flapper-type drain valves to drain diked areas. If your facility drainage drains directly into a watercourse and not into an on-site wastewater treatment plant, you must inspect and may drain uncontaminated retained stormwater, subject to the requirements of paragraphs (c)(3)(ii), (iii), and (iv) of this section.

(3) Design facility drainage systems from undiked areas with a potential for a discharge (such as where piping is located outside containment walls or where tank truck discharges may occur

outside the loading area) to flow into ponds, lagoons, or catchment basins designed to retain oil or return it to the facility. You must not locate catchment basins in areas subject to periodic flooding.

(4) If facility drainage is not engineered as in paragraph (b)(3) of this section, equip the final discharge of all ditches inside the facility with a diversion system that would, in the event of an uncontrolled discharge, retain oil in the facility.

(5) Where drainage waters are treated in more than one treatment unit and such treatment is continuous, and pump transfer is needed, provide two "lift" pumps and permanently install at least one of the pumps. Whatever techniques you use, you must engineer facility drainage systems to prevent a discharge as described in § 112.1(b) in case there is an equipment failure or human error at the facility.

(c) *Bulk storage containers.* (1) Not use a container for the storage of oil unless its material and construction are compatible with the material stored and conditions of storage such as pressure and temperature.

(2) Construct all bulk storage container installations so that you provide a secondary means of containment for the entire capacity of the largest single container and sufficient freeboard to contain precipitation. You must ensure that diked areas are sufficiently impervious to contain discharged oil. Dikes, containment curbs, and pits are commonly employed for this purpose. You may also use an alternative system consisting of a drainage trench enclosure that must be arranged so that any discharge will terminate and be safely confined in a facility catchment basin or holding pond.

(3) Not allow drainage of uncontaminated rainwater from the diked area into a storm drain or discharge of an effluent into an open watercourse, lake, or pond, bypassing the facility treatment system unless you:

(i) Normally keep the bypass valve sealed closed.

(ii) Inspect the retained rainwater to ensure that its presence will not cause a discharge as described in § 112.1(b).

(iii) Open the bypass valve and reseal it following drainage under responsible supervision; and

(iv) Keep adequate records of such events, for example, any records required under permits issued in accordance with §§ 122.41(j)(2) and 122.41(m)(3) of this chapter.

(4) Protect any completely buried metallic storage tank installed on or after January 10, 1974 from corrosion by

coatings or cathodic protection compatible with local soil conditions. You must regularly leak test such completely buried metallic storage tanks.

(5) Not use partially buried or bunkered metallic tanks for the storage of oil, unless you protect the buried section of the tank from corrosion. You must protect partially buried and bunkered tanks from corrosion by coatings or cathodic protection compatible with local soil conditions.

(6) Test each aboveground container for integrity on a regular schedule, and whenever you make material repairs. The frequency of and type of testing must take into account container size and design (such as floating roof, skid-mounted, elevated, or partially buried). You must combine visual inspection with another testing technique such as hydrostatic testing, radiographic testing, ultrasonic testing, acoustic emissions testing, or another system of non-destructive shell testing. You must keep comparison records and you must also inspect the container's supports and foundations. In addition, you must frequently inspect the outside of the container for signs of deterioration, discharges, or accumulation of oil inside diked areas. Records of inspections and tests kept under usual and customary business practices will suffice for purposes of this paragraph.

(7) Control leakage through defective internal heating coils by monitoring the steam return and exhaust lines for contamination from internal heating coils that discharge into an open watercourse, or pass the steam return or exhaust lines through a settling tank, skimmer, or other separation or retention system.

(8) Engineer or update each container installation in accordance with good engineering practice to avoid discharges. You must provide at least one of the following devices:

(i) High liquid level alarms with an audible or visual signal at a constantly attended operation or surveillance station. In smaller facilities an audible air vent may suffice.

(ii) High liquid level pump cutoff devices set to stop flow at a predetermined container content level.

(iii) Direct audible or code signal communication between the container gauger and the pumping station.

(iv) A fast response system for determining the liquid level of each bulk storage container such as digital computers, telepulse, or direct vision gauges. If you use this alternative, a person must be present to monitor gauges and the overall filling of bulk storage containers.

(v) You must regularly test liquid level sensing devices to ensure proper operation.

(9) Observe effluent treatment facilities frequently enough to detect possible system upsets that could cause a discharge as described in § 112.1(b).

(10) Promptly correct visible discharges which result in a loss of oil from the container, including but not limited to seams, gaskets, piping, pumps, valves, rivets, and bolts. You must promptly remove any accumulations of oil in diked areas.

(11) Position or locate mobile or portable oil storage containers to prevent a discharge as described in § 112.1(b). You must furnish a secondary means of containment, such as a dike or catchment basin, sufficient to contain the capacity of the largest single compartment or container with sufficient freeboard to contain precipitation.

(d) *Facility transfer operations, pumping, and facility process.* (1) Provide buried piping that is installed or replaced on or after August 16, 2002, with a protective wrapping and coating. You must also cathodically protect such buried piping installations or otherwise satisfy the corrosion protection standards for piping in part 280 of this chapter or a State program approved under part 281 of this chapter. If a section of buried line is exposed for any reason, you must carefully inspect it for deterioration. If you find corrosion damage, you must undertake additional examination and corrective action as indicated by the magnitude of the damage.

(2) Cap or blank-flange the terminal connection at the transfer point and mark it as to origin when piping is not in service or is in standby service for an extended time.

(3) Properly design pipe supports to minimize abrasion and corrosion and allow for expansion and contraction.

(4) Regularly inspect all aboveground valves, piping, and appurtenances. During the inspection you must assess the general condition of items, such as flange joints, expansion joints, valve glands and bodies, catch pans, pipeline supports, locking of valves, and metal surfaces. You must also conduct integrity and leak testing of buried piping at the time of installation, modification, construction, relocation, or replacement.

(5) Warn all vehicles entering the facility to be sure that no vehicle will endanger aboveground piping or other oil transfer operations.

§ 112.13 Spill Prevention, Control, and Countermeasure Plan requirements for onshore oil production facilities.

If you are the owner or operator of an onshore production facility, you must:

(a) Meet the general requirements for the Plan listed under § 112.7, and the specific discharge prevention and containment procedures listed under this section.

(b) *Oil production facility drainage.*

(1) At tank batteries and separation and treating areas where there is a reasonable possibility of a discharge as described in § 112.1(b), close and seal at all times drains of dikes or drains of equivalent measures required under § 112.7(c)(1), except when draining uncontaminated rainwater. Prior to drainage, you must inspect the diked area and take action as provided in § 112.12(c)(3)(ii), (iii), and (iv). You must remove accumulated oil on the rainwater and return it to storage or dispose of it in accordance with legally approved methods.

(2) Inspect at regularly scheduled intervals field drainage systems (such as drainage ditches or road ditches), and oil traps, sumps, or skimmers, for an accumulation of oil that may have resulted from any small discharge. You must promptly remove any accumulations of oil.

(c) *Oil production facility bulk storage containers.* (1) Not use a container for the storage of oil unless its material and construction are compatible with the material stored and the conditions of storage.

(2) Provide all tank battery, separation, and treating facility installations with a secondary means of containment for the entire capacity of the largest single container and sufficient freeboard to contain precipitation. You must safely confine drainage from undiked areas in a catchment basin or holding pond.

(3) Periodically and upon a regular schedule visually inspect each container of oil for deterioration and maintenance needs, including the foundation and support of each container that is on or above the surface of the ground.

(4) Engineer or update new and old tank battery installations in accordance with good engineering practice to prevent discharges. You must provide at least one of the following:

(i) Container capacity adequate to assure that a container will not overflow if a pumper/gauger is delayed in making regularly scheduled rounds.

(ii) Overflow equalizing lines between containers so that a full container can overflow to an adjacent container.

(iii) Vacuum protection adequate to prevent container collapse during a

pipeline run or other transfer of oil from the container.

(iv) High level sensors to generate and transmit an alarm signal to the computer where the facility is subject to a computer production control system.

(d) **Facility transfer operations; oil production facility.** (1) Periodically and upon a regular schedule inspect all aboveground valves and piping associated with transfer operations for the general condition of flange joints, valve glands and bodies, drip pans, pipe supports, pumping well polish rod stuffing boxes, bleeder and gauge valves, and other such items.

(2) Inspect saltwater (oil field brine) disposal facilities often, particularly following a sudden change in atmospheric temperature, to detect possible system upsets capable of causing a discharge.

(3) Have a program of flowline maintenance to prevent discharges from each flowline.

§ 112.14. Spill Prevention, Control, and Countermeasure Plan requirements for onshore oil drilling and workover facilities.

If you are the owner or operator of an onshore oil drilling and workover facility, you must:

(a) Meet the general requirements listed under § 112.7, and also meet the specific discharge prevention and containment procedures listed under this section.

(b) Position or locate mobile drilling or workover equipment so as to prevent a discharge as described in § 112.1(b).

(c) Provide catchment basins or diversion structures to intercept and contain discharges of fuel, crude oil, or oily drilling fluids.

(d) Install a blowout prevention (BOP) assembly and well control system before drilling below any casing string or during workover operations. The BOP assembly and well control system must be capable of controlling any well-head pressure that may be encountered while that BOP assembly and well control system are on the well.

§ 112.15. Spill Prevention, Control, and Countermeasure Plan requirements for offshore oil drilling, production, or workover facilities.

If you are the owner or operator of an offshore oil drilling, production, or workover facility, you must:

(a) Meet the general requirements listed under § 112.7, and also meet the specific discharge prevention and containment procedures listed under this section.

(b) Use oil drainage collection equipment to prevent and control small oil discharges around pumps, glands, valves, flanges, expansion joints, hoses,

drain lines, separators, treaters, tanks, and associated equipment. You must control and direct facility drains toward a central collection sump to prevent the facility from having a discharge as described in § 112.1(b). Where drains and sumps are not practicable, you must remove oil contained in collection equipment as often as necessary to prevent overflow.

(c) For facilities employing a sump system, provide adequately sized sump and drains and make available a spare pump to remove liquid from the sump and assure that oil does not escape. You must employ a regularly scheduled preventive maintenance inspection and testing program to assure reliable operation of the liquid removal system and pump start-up device. Redundant automatic sump pumps and control devices may be required on some installations.

(d) At facilities with areas where separators and treaters are equipped with dump valves which predominantly fail in the closed position and where pollution risk is high, specially equip the facility to prevent the discharge of oil. You must prevent the discharge of oil by:

(1) Extending the flare line to a diked area if the separator is near shore;

(2) Equipping the separator with a high liquid level sensor that will automatically shut in wells producing to the separator; or

(3) Installing parallel redundant dump valves.

(e) Equip atmospheric storage or surge containers with high liquid level sensing devices that activate an alarm or control the flow, or otherwise prevent discharges.

(f) Equip pressure containers with high and low pressure sensing devices that activate an alarm or control the flow.

(g) Equip containers with suitable corrosion protection.

(h) Prepare and maintain at the facility a written procedure within the Plan for inspecting and testing pollution prevention equipment and systems.

(i) Conduct testing and inspection of the pollution prevention equipment and systems at the facility on a scheduled periodic basis, commensurate with the complexity, conditions, and circumstances of the facility and any other appropriate regulations. You must use simulated discharges for testing and inspecting human and equipment pollution control and countermeasure systems.

(j) Describe in detailed records surface and subsurface well shut-in valves and devices in use at the facility for each well sufficiently to determine their

method of activation or control, such as pressure differential, change in fluid or flow conditions, combination of pressure and flow, manual or remote control mechanisms.

(k) Install a BOP assembly and well control system during workover operations and before drilling below any casing string. The BOP assembly and well control system must be capable of controlling any well-head pressure that may be encountered while that BOP assembly and well control system are on the well.

(l) Equip all manifolds (headers) with check valves on individual flowlines.

(m) Equip the flowline with a high pressure sensing device and shut-in valve at the wellhead if the shut-in well pressure is greater than the working pressure of the flowline and manifold valves up to and including the header valves. Alternatively you may provide a pressure relief system for flowlines.

(n) Protect all piping appurtenant to the facility from corrosion, such as with protective coatings or cathodic protection.

(o) Adequately protect sub-marine piping appurtenant to the facility against environmental stresses and other activities such as fishing operations.

(p) Maintain sub-marine piping appurtenant to the facility in good operating condition at all times. You must periodically and according to a schedule inspect or test such piping for failures. You must document and keep a record of such inspections or tests at the facility.

5. Part 112 is amended by designating §§ 112.20 and 112.21 as subpart D, and adding a subpart heading as follows:

Subpart D—Response Requirements

Sec. 112.20 Facility response plans.
112.21 Facility response training and drills/exercises.

Subpart D—Response Requirements

6. Section 112.20 is amended by revising the first sentence of paragraph (b) to read as follows:

§ 112.20. Facility response plans.

(h) A response plan shall follow the format of the model facility-specific response plan included in Appendix F to this part, unless you have prepared an equivalent response plan acceptable to the Regional Administrator to meet State or other Federal requirements. *

* * * * *

Appendix C—[Amended] Restrain

7. Appendix C of part 112 is amended by:

- a. Revising the first sentence of section 2.1; and
- b. Revising the title and first sentence of section 2.4.

Appendix C to Part 112—Substantial Harm Criteria

2.1. *Non-Transportation-Related Facilities With a Total Oil Storage Capacity Greater Than or Equal to 42,000 Gallons Where Operations Include Over-Water Transfers of Oil*

A non-transportation-related facility with a total oil storage capacity greater than or equal to 42,000 gallons that transfers oil over water to or from vessels must submit a response plan to EPA.

2.4. *Proximity to Public Drinking Water Intakes at Facilities with a Total Oil Storage Capacity Greater than or Equal to 1 Million Gallons*

A facility with a total oil storage capacity greater than or equal to 1 million gallons must submit its response plan if it is located at a distance such that a discharge from the facility would shut down a public drinking water intake, which is analogous to a public water system as described at 40 CFR 143.2(c).

Appendix D—[Amended]

Appendix D—[Amended]

8. Appendix D of part 112 is amended by revising footnote 2 to section A.2 of Part A to read as follows:

Appendix D to Part 112—Determination of a Worst Case Discharge Planning Volume**Part A****A.2 Secondary Containment—Multiple Tank Facilities**

Secondary containment is described in 40 CFR part 112, subparts A through C. Acceptable methods and structures for containment are also given in 40 CFR 112.7(c)(1).

Appendix F—[Amended]

9. Appendix F of part 112 is amended by:

- a. Revising section 1.2.7;
- b. Revising the second and last sentences of section 1.4.3;

containment curbs, and pits are commonly employed for this purpose.

10. Revising paragraph (7) and the undesignated paragraph and NOTE following paragraph (7) in section 1.7.3;

d. Revising section 1.8.1;

e. Revising the first two sentences of section 1.8.1.1 introductory text;

f. Revising the next to the last sentence of section 1.8.1.3;

g. Revising the next to last sentence of section 1.10;

h. Revising paragraph (6) of section 2.1.

1. Remove the acronym "SIC" in section 3.0, and add in alphabetical order the acronym "NAICS"; and

2. Remove the reference to "Standard Industrial Classification (SIC) Code" in Attachment F-1, General Information, and add in in alphabetical order a reference to "North American Industrial Classification System (NAICS) Code."

The revisions read as follows:

Appendix F to Part 112—Facility-Specific Response Plan**1.2.7 Current Operation**

Briefly describe the facility's operations and include the North American Industrial Classification System (NAICS) code.

2.4.3 Analysis of the Potential for an Oil Discharge

This analysis shall incorporate factors such as oil discharge history, horizontal range of a potential discharge, and vulnerability to natural disaster; and shall, as appropriate, incorporate other factors such as tank age. The owner or operator may need to research the age of the tanks the oil discharge history at the facility.

1.7.3 Containment and Drainage Planning

(7) Other cleanup materials. In addition, a facility owner or operator must meet the inspection and monitoring requirements for drainage contained in 40 CFR part 112, subparts A through C. A copy of the containment and drainage plans that are required in 40 CFR part 112, subparts A through C may be inserted in this section, including any diagrams in those plans.

Note: The general permit for stormwater drainage may contain additional requirements.

1.8.1 Facility Self-Inspection

Under 40 CFR 112.7(e), you must include the written procedures and records of inspections for each facility in the SPCC.

business practices will ensure the continuation from internal heating coils that discharge into an open

Plan. You must include the inspection records for each container, secondary containment, and item of response equipment at the facility. You must cross-reference the records of inspections of each container and secondary containment required by 40 CFR 112.7(e) in the facility response plan. The inspection record of response equipment is a new requirement in this plan. Facility self-inspection requires two steps: (1) a checklist of things to inspect; and (2) a method of recording the actual inspection and its findings. You must note the date of each inspection. You must keep facility response plan records for five years. You must keep SPCC records for three years.

1.8.1.1 Tank Inspection

The tank inspection checklist presented below has been included as guidance during inspections and monitoring. Similar requirements exist in 40 CFR part 112, subparts A through C.

1.8.1.3 Secondary Containment Inspection

Similar requirements exist in 40 CFR part 112, subparts A through C.

1.10 Security

According to 40 CFR 112.7(g) facilities are required to maintain a certain level of security, as appropriate.

2.1 General Information

(6) North American Industrial Classification System (NAICS) Code: Enter the facility's NAICS code as determined by the Office of Management and Budget (this information may be obtained from public library resources.)

3.0 Acronyms

NAICS: North American Industrial Classification System

Attachments to Appendix F**Attachment F-1—Response Plan Cover Sheet****General Information**

North American Industrial Classification System (NAICS) Code:

[FR Doc. 02-16852 Filed 7-16-02; 8:45 am]

BILLING CODE 5560-50-P

damage, you must undertake additional examination and corrective action as

APPENDIX E – SPILL NOTIFICATION NOTICE

In the event of a reportable spill, the following shall be notified:

- | | |
|--|--|
| 1. The National Response Center | 1-800-424-8802 |
| 2. The EPA | 1-206-553-1263 |
| 3. Idaho Emergency Response Commission | 1-208-334-5888 |
| 4. U.S. Coast Guard | 1-800-240-9300 |
| 5. State Department of Environmental Quality | 1-208-373-0550 |
| 6. Louis A. Reichart | 1-208-466-0057 |
| 7. Randy Blackburn | 1-208-465-5296
1-208-442-0240
1-208-250-2129 |
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1-208-442-0240
1-208-250-2129 |
| 8. Dirk Edwards | 1-208-841-3187 |

APPENDIX B1 – SPCC PLAN REVIEW HISTORY

Revision Number	Date	Description
0	11/20/00 1-27-04	Updated SPCC Plan

APPENDIX B2
HISTORY OF INSPECTION, EXAMINATIONS, AND TESTING

Date	Description
11/20/00	Visually inspected 60,000 gallon, 110,000 gallon, and 150,000 gallon tanks per API 653. See Appendix D for inspection report. Ultrasonic thickness measurement of 60,000 gallon, 110,000 gallon, and 150,000 gallon tanks per API 653. See Appendix D for testing report.

APPENDIX B3 – RECORD OF PERSONNEL TRAINING

Name	Date	Description of Training
John Doe	11/20/00	Reviewed SPCC Plan, Spill Prevention, and Spill Procedures

APPENDIX B4 – SPILL HISTORY

Complete this form for any reportable spill(s).

1. Date _____ Volume _____
Cause: _____

Corrective action taken: _____

Plans for preventing recurrence: _____

2. Date _____ Volume _____
Cause: _____

Corrective action taken: _____

Plans for preventing recurrence: _____

3. Date _____ Volume _____
Cause: _____

Corrective action taken: _____

Plans for preventing recurrence: _____

APPENDIX C—CHECKLISTS FOR TANK INSPECTION

Tables C-1 and C-2 are sample checklists illustrating tank components and auxiliary items that should be considered for internal and external inspection of tanks. This information is provided as guidance to the owner/

operator for developing an inspection assessment schedule for any specific tank installation. The checklist format facilitates the recording of inspection findings.

Table C-1—Tank In-Service Inspection Checklist

C.1.1 FOUNDATION

— Measure foundation levelness and bottom elevations (see Appendix B for extent of measurements).

C.1.1.1 Concrete Ring

- a. — Inspect for broken concrete, spalling and cracks, particularly under backup bars used in welding butt welded annular rings under the shell.
- b. — Inspect drain openings in ring, back of waterdraw basins and top surface of ring for indications of bottom leakage.
- c. — Inspect for cavities under foundation and vegetation against bottom of tank.
- d. — Check that runoff rainwater from the shell drains away from tank.
- e. — Check for settlement around perimeter of tank.

C.1.1.2 Asphalt

- a. — Check for settling of tank into asphalt base which would direct runoff rain water under the tank instead of away from it.
- b. — Look for areas where leaching of oil has left rock filler exposed, which indicates hydrocarbon leakage.

C.1.1.3 Oiled Dirt or Sand

— Check for settlement into the base which would direct runoff rain water under the tank rather than away from it.

C.1.1.4 Rock

— Presence of crushed rock under the steel bottom usually results in severe underside corrosion. Make a note to do additional bottom plate examination (ultrasonic, hammer testing or turning of coupons) when the tank is out of service.

C.1.1.5 Site Drainage

- a. — Check site for drainage away from the tank and associated piping and manifolds.
- b. — Check operating condition of dike drains.

C.1.1.6 Housekeeping

— Inspect the area for buildup of trash, vegetation, and other inflammables buildup.

C.1.2 SHELLS

C.1.2.1 External Visual Inspection

- a. — Visually inspect for paint failures, pitting, and corrosion.
- b. — Clean off the bottom angle area and inspect for corrosion and thinning on plate and weld.
- c. — Inspect the bottom-to-foundation seal, if any.

C.1.2.2 Internal (Floating Roof Tank)

— Visually inspect for grooving, corrosion, pitting, and coating failures.

C.1.2.3 Riveted Shell Inspection

- a. — Inspect external surface for rivet and seam leaks.
- b. — Locate leaks by sketch or photo (location will be lost when shell is abrasive cleaned for painting).
- c. — Inspect rivets for corrosion loss and wear.
- d. — Inspect vertical seams to see if they have been full fillet lap welded to increase joint efficiency.
- e. — If no record exists of vertical riveted seams, dimension and sketch (or photograph) the rivet pattern: number of rows, rivet size, pitch length, and note whether the joint is butt riveted or lap riveted.

C.1.3.9 Swing Lines: Identify Ballast Varying Need

- ___ Check for significant difference in stock specific gravity.

C.1.3.10 Swing Lines: Cable Material and Condition

- a. ___ For non-stainless steel cable, check for corrosion over entire length.
- b. ___ All cable: check for wear or fraying.

C.1.3.11 Swing Lines: Product Sample Comparison

- ___ Check for water or gravity differences that would indicate a leaking swing joint.

C.1.3.12 Swing Lines: Target

- ___ Target should indicate direction of swing opening (up or down) and height above bottom where suction will be lost with swing on bottom support.

C.1.4 ROOFS**C.1.4.1 Deck Plate Internal Corrosion**

- ___ For safety, before accessing the roof, check with ultrasonic instrument or lightly use a ball peen hammer to test the deck plate near the edge of the roof for thinning. (Corrosion normally attacks the deck plate at the edge of a fixed roof and at the rafters in the center of the roof first.)

C.1.4.2 Deck Plate External Corrosion

- ___ Visually inspect for paint failure, holes, pitting, and corrosion product on the roof deck.

C.1.4.3 Roof Deck Drainage

- ___ Look for indication of standing water. (Significant sagging of fixed roof deck indicates potential rafter failure. Large standing water areas on a floating roof indicates inadequate drainage design or, if to one side, an unlevel roof with possible leaking pontoons.)

C.1.4.4 Level of Floating Roof

- ___ At several locations, measure distance from roof rim to a horizontal weld seam above the roof. A variance in the readings indicates a nonlevel roof with possible shell out-of-round, out-of-plumb, leaking pontoons or hangup. On small diameter tanks, an unlevel condition can indicate unequal loading at that level.

C.1.4.5 Gas Test Internal Floating Roof

- ___ Test for explosive gas on top of the internal floating roof. Readings could indicate a leaking roof, leaking seal system, or inadequate ventilation of the area above the internal floating roof.

C.1.4.6 Roof Insulation

- a. ___ Visually inspect for cracks or leaks in the insulation weather coat where runoff rain water could penetrate the insulation.
- b. ___ Inspect for wet insulation under the weathercoat.
- c. ___ Remove small test sections of insulation and check roof deck for corrosion and holes near the edge of the insulated area.

C.1.4.7 Floating Roof Seal Systems

- a. ___ Measure and record maximum seal-to-shell gaps:
 - ___ at low pump out
 - ___ at midshell
 - ___ at high liquid level
- b. ___ Measure and record annular space at 30 foot spacing (minimum of 4 quadrants) around roof and record. Measurements should be taken in directly opposite pairs.
 - ___ Opposite pair 1
 - ___ Opposite pair 2
- c. ___ Check if seal fabric on primary shoe seals is pulling shoes away from shell (fabric not wide enough).
- d. ___ Inspect fabric for deterioration, holes, tears, and cracks.
- e. ___ Inspect visible metallic parts for corrosion and wear.
- f. ___ Inspect for openings in seals that would permit vapor emissions.
- g. ___ Inspect for protruding bolt or rivet heads against the shell.
- h. ___ Pull both primary and secondary seal systems back all around the shell to check their operation.
- i. ___ Inspect secondary seals for signs of buckling or indications that their angle with the shell is too shallow.
- j. ___ Inspect wedge-type wiper seals for flexibility, resilience, cracks, and tears.

C.1.5.13 Pontoon Inspection Hatches

- a. Open pontoon inspection hatch covers and visually check inside for pontoon leakage.
- b. Test for explosive gas (an indicator of vapor space leaks).
- c. If pontoon hatches are equipped with locked down covers, check for vent tubes. Check that vent tubes are not plugged up. Inspect lock down devices for condition and operation.

C.1.8 ACCESSWAYS

See Table C-2. Item C.2.12

Table C-2—Tank Out-of Service Inspection Checklist

C.2.1 OVERVIEW

- a. Check that tank has been cleaned, is gas free, and safe for entry.
- b. Check that the tank is completely isolated from product lines, all electrical power, and steam lines.
- c. Check that roof is adequately supported, including fixed roof structure and floating roof legs.
- d. Check for presence of falling object hazards, such as corroded-through roof rafters, asphalt stalactites, and trapped hydrocarbons in unopened or plugged equipment or appurtenances, ledges, etc.
- e. Inspect for slipping hazards on the bottom and roof decks.
- f. Inspect structural welds on accessways and clips.
- g. Check surfaces needing inspection for a heavy-scale buildup and check weld seams and oily surfaces where welding is to be done. Note areas needing more cleaning, including blasting.

C.2.2 TANK EXTERIOR

- a. Inspect appurtenances opened during cleaning such as lower floating swing sheave assemblies, nozzle interiors (after removal of valves).
- b. Hammer test or ultrasonically test the roof.
- c. Enter and inspect the floating roof pontoon compartments.

C.2.3 BOTTOM INTERIOR SURFACE

- a. Using a flashlight held close to and parallel to the bottom plates, and using the bottom plate layout as a guide, visually inspect and hammer test the entire bottom.
- b. Measure the depth of pitting and describe the pitting appearance (sharp edged, lake type, dense, scattered, etc.).
- c. Mark areas requiring patching or further inspection.
- d. Mark locations for turning coupons for inspection.
- e. Inspect all welds for corrosion and leaks, particularly the shell-to-bottom weld.
- f. Inspect sketch plates for corrosion.
- g. Locate and mark voids under the bottom.
- h. Record bottom data on a layout sketch using the existing bottom plates as a grid. List the number and sizes of patches required.
- i. Vacuum test the bottom lap welds.
- j. Hammer test or ultrasonically examine any slightly discolored spots or damp areas.
- k. Check for reinforcing pads under all bottom attached clips, brackets, and supports.
- l. Inspect floating roof leg pads for pitting or cutting, and excessive sampling indicating excessive loading.
- m. Check the column bases of fixed roof supports for adequate pads and restraining clips.
- n. In earthquake zones 3 and 4, check that roof supports are not welded down to the tank bottom, but are only restrained from horizontal movement.
- o. Check area beneath swing line cable for indications of cable cutting or dragging.
- p. Mark old oil and air test connection for removal and patching.
- q. Identify and report low areas on the bottom that do not drain adequately.
- r. Inspect coating for holes, disbonding, deterioration, and discolorization.

- b. ____ Inspect liquid seal hatches for corrosion and proper liquid level in the seal.

C.2.7.5 Sample Hatch

- a. ____ Inspect sample hatch for corrosion.
- b. ____ Check that the cover operates properly.
- c. ____ If the tank has no gagewell, check for a hold off distance marker and check measurement.

C.2.8 FLOATING ROOF

C.2.8.1 Roof Deck

- a. ____ Hammer test the area between roof rim and shell. (If access for hammer testing is inadequate, measure the distance from the bottom edge of the roof to the corroded area and then hammer test from inside the pontoon.)
- b. ____ In sour water service, clean and test all deck plate weld seams for cracking unless the lower laps have been seal welded.
- c. ____ Check that either the roof drain is open or the drain plug in the roof is open in case of unexpected rain.
- d. ____ On flat bottomed and cone down bottom roof decks, check for a vapor dam around the periphery of the roof. The dam should be continuous without break to prevent escape of vapors to the seal area from under the center of the roof.

C.2.8.2 Floating Roof Pontoons

- a. ____ Visually inspect each pontoon for liquid leakage.
- b. ____ Run a light wire through the gooseneck vents on locked down inspection hatch covers to make sure they are open.
- c. ____ Inspect lockdown latches on each cover.
- d. ____ Check and report if each pontoon is:
 - (1) ____ Vapor tight (bulkhead seal welded on one side on bottom, sides, and top)
 - (2) ____ Liquid tight (seal welded on bottom and sides only) or
 - (3) ____ Unacceptable (minimum acceptable condition is liquid tight).

C.2.8.3 Floating Roof Cutouts

- a. ____ Inspect underside of cutouts for mechanical damage.
- b. ____ Inspect welds for cracks.
- c. ____ Inspect plate for thinning, pitting, and erosion.
- d. ____ Measure mixer cutouts and record plate thickness for future mixer installation or replacement.
Plate thickness: ____

C.2.8.4 Floating Roof Supports

- a. ____ Inspect fixed low and removable high floating roof legs for thinning.
- b. ____ Inspect for notching at bottom of legs for drainage.
- c. ____ Inspect for leg buckling or bellling at bottom.
- d. ____ Inspect pin hole in roof guide for tears.
- e. ____ Check plumb of all legs.
- f. ____ Inspect for adequate reinforcing gussets on all legs through a single portion of the roof.
- g. ____ Inspect the area around the roof legs for cracking if there is no internal reinforcing pad or if the topside pad is not welded to the deck plate on the underside.
- h. ____ Inspect the sealing system on the two-position legs and the vapor plugs in the fixed low leg for deterioration of the gaskets.
- i. ____ On shell mounted roof supports, check for adequate clearance based on the maximum floating roof movement as determined by the position of the roof relative to the gagewell and/or counter rotational device.

C.2.9 FLOATING ROOF SEAL ASSEMBLIES

C.2.9.1 Primary Shoe Assembly

- a. ____ Remove four sections of foam log (foam filled seals) for inspection, on 90° locations.
- b. ____ Inspect hanger attachment to roof rim for thinning, bending, broken welds, and wear of pin bores.
- c. ____ Inspect clips welded to roof rim for thinning.
- d. ____ Shoes. Inspect for thinning and holes in shoes.
- e. ____ Inspect for bunmetal bolts, clips, and attachments.
- f. ____ Seal fabric: Inspect for deterioration, suffening, holes, and tears in fabric.
- g. ____ Measure length of fabric from top of shoe to roof rim, and check against maximum anticipated annular space as roof operates.
- h. ____ Inspect any modification of shoes over shell nozzles, mixers, etc., for clearance.
- i. ____ Inspect shoes for damage caused by striking shell nozzles, mixers, etc.

C.2.9.2 Primary Toroidal Assembly

- a. ____ Inspect seal fabric for wear, deterioration, holes, and tears.

- Inspect for pitting and holes, paint failure.
- b. ___ Inspect attachment welds.
- c. ___ Identify cold joints and sharp edges. Inspect the handrails and midrails.
- d. ___ Inspect safety drop bar (or safety chain) for corrosion, functioning, and length.
- e. ___ Inspect the handrail between the rolling ladder and the gaging platform for a hazardous opening when the floating roof is at its lowest level.

C.2.12.2 Platform Frame

- a. ___ Inspect frame for corrosion and paint failure.
- b. ___ Inspect the attachment of frame to supports and supports to tank: for corrosion and weld failure.
- c. ___ Check reinforcing pads where supports are attached to shell or roof.
- d. ___ Inspect the surface that deck plate or grating rests on, for thinning and holes.
- e. ___ Check that flat-surface to flat-surface junctures are seal welded.

C.2.12.3 Deck Plate and Grating

- a. ___ Inspect deck plate for corrosion-caused thinning or holes (not drain holes) and paint failure.
- b. ___ Inspect plate-to-frame weld for rust scale buildup.
- c. ___ Inspect grating for corrosion-caused thinning of bars and failure of welds.
- d. ___ Check grating tie down clips. Where grating has been retrofitted to replace plate, measure the rise of the step below and above the grating surface and compare with other risers on the stairway.

C.2.12.4 Stairway Stringers

- a. ___ Inspect spiral stairway stringers for corrosion, paint failure, and weld failure. Inspect attachment of stairway treads to stringer.
- b. ___ Inspect stairway supports to shell welds and reinforcing pads.
- c. ___ Inspect steel support attachment to concrete base for corrosion.

C.12.2.5 Rolling Ladder

- a. ___ Inspect rolling ladder stringers for corrosion.
- b. ___ Identify and inspect ladder fixed rungs (square bar, round bar, angles) for weld attachment to stringers and corrosion, particularly where angle rungs are welded to stringers.
- c. ___ Check for wear and corrosion where rolling ladder attaches to gaging platform.
- d. ___ Inspect pivot bar for wear and secureness.
- e. ___ Inspect operation of self-leveling stairway treads.
- f. ___ Inspect for corrosion and wear on moving parts.
- g. ___ Inspect rolling ladder wheels for freedom of movement, flat spots, and wear on axle.
- h. ___ Inspect alignment of rolling ladder with roof rack.
- i. ___ Inspect top surface of rolling ladder track for wear by wheels to assure at least 18 inches of unworn track (track long enough).
- j. ___ Inspect rolling ladder track welds for corrosion.
- k. ___ Inspect track supports on roof for reinforcing pads seal welded to deck plate.
- l. ___ Check by dimensioning, the maximum angle of the rolling ladder when the roof is on low legs.
Max. angle: ___
- m. ___ If rolling ladder track extends to within five feet of the edge of the roof on the far side, check for a handrail on the top of the shell on that side.

APPENDIX D – TANK INSPECTION AND TESTING REPORTS

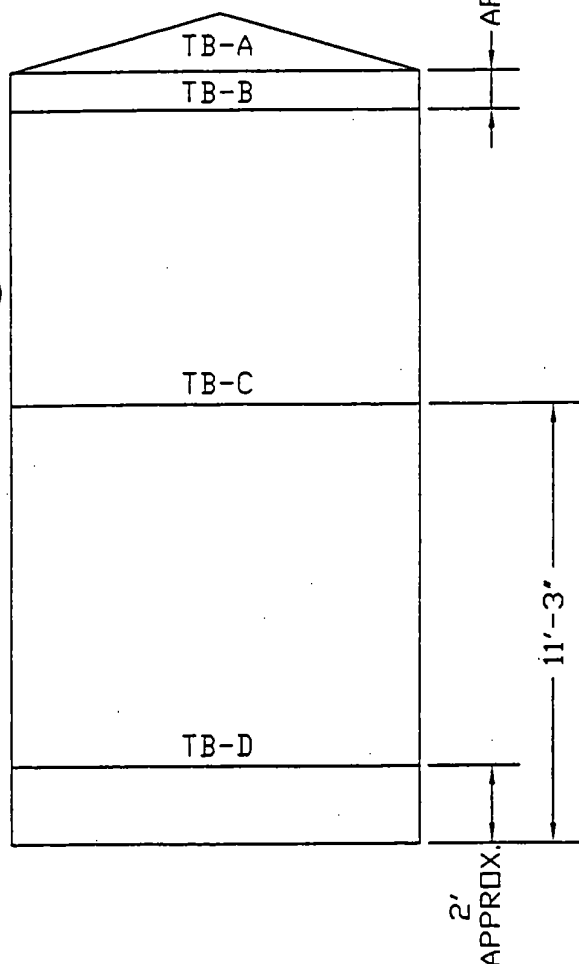
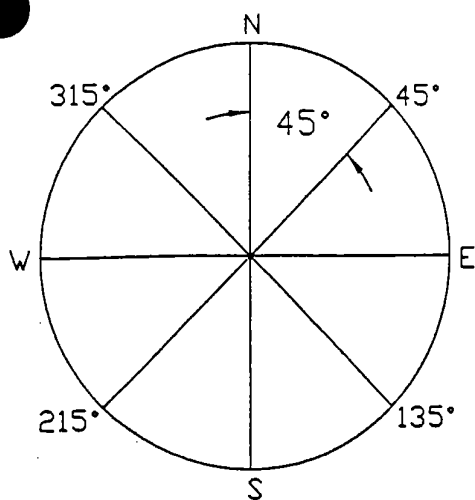


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E

TABLE - B
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TABLE - C
(TB-C)

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E

TABLE - D
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E

V-TANK
110,000 GAL

IDAHO TESTING & INSPECTION, INC.

INSPECTOR: BRYAN COUNTRYMAN

REVIEWED BY: [Signature]

DATE: 11-20-2000

PROCEDURE: API 653 SECTION 4.3.3

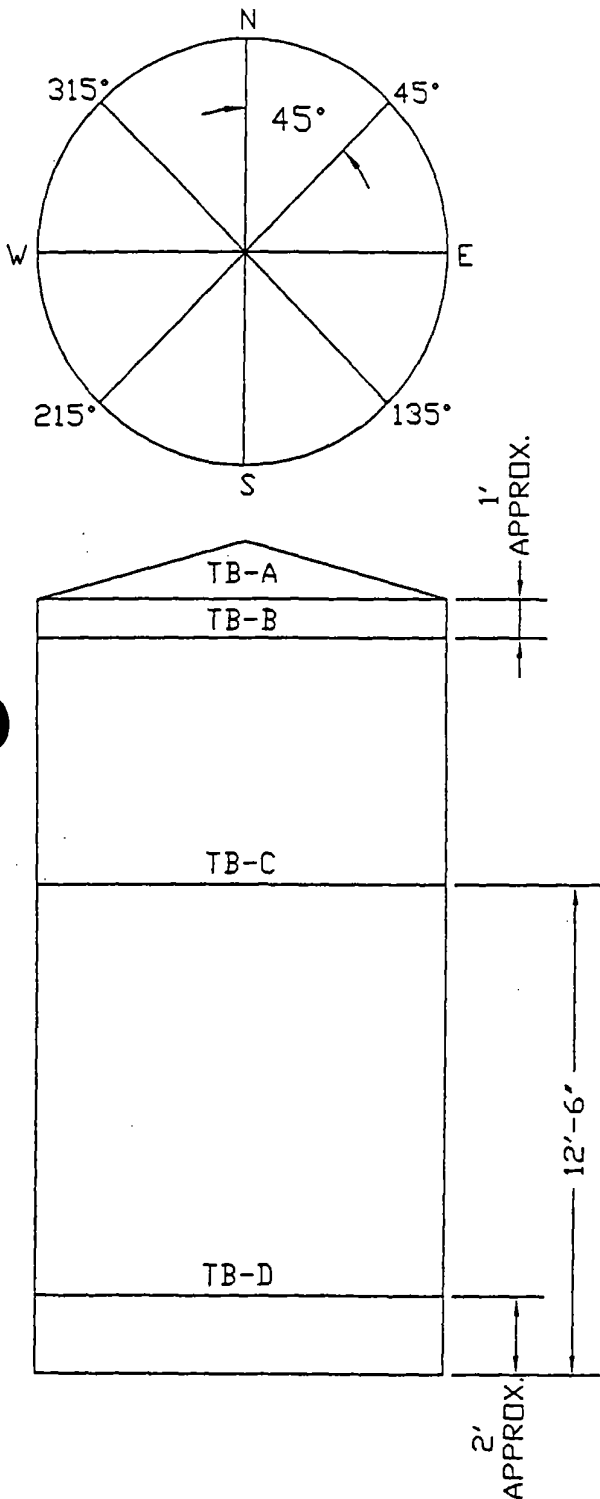


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TABLE - B
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TABLE - C
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E

TABLE - D
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V-TANK
60,000 GAL

IDAHO TESTING & INSPECTION, INC.

INSPECTOR: BRYAN COUNTRYMAN

REVIEWED BY: [Signature]

DATE: 11-20-2000

PROCEDURE: API 653 SECTION 4.3.3

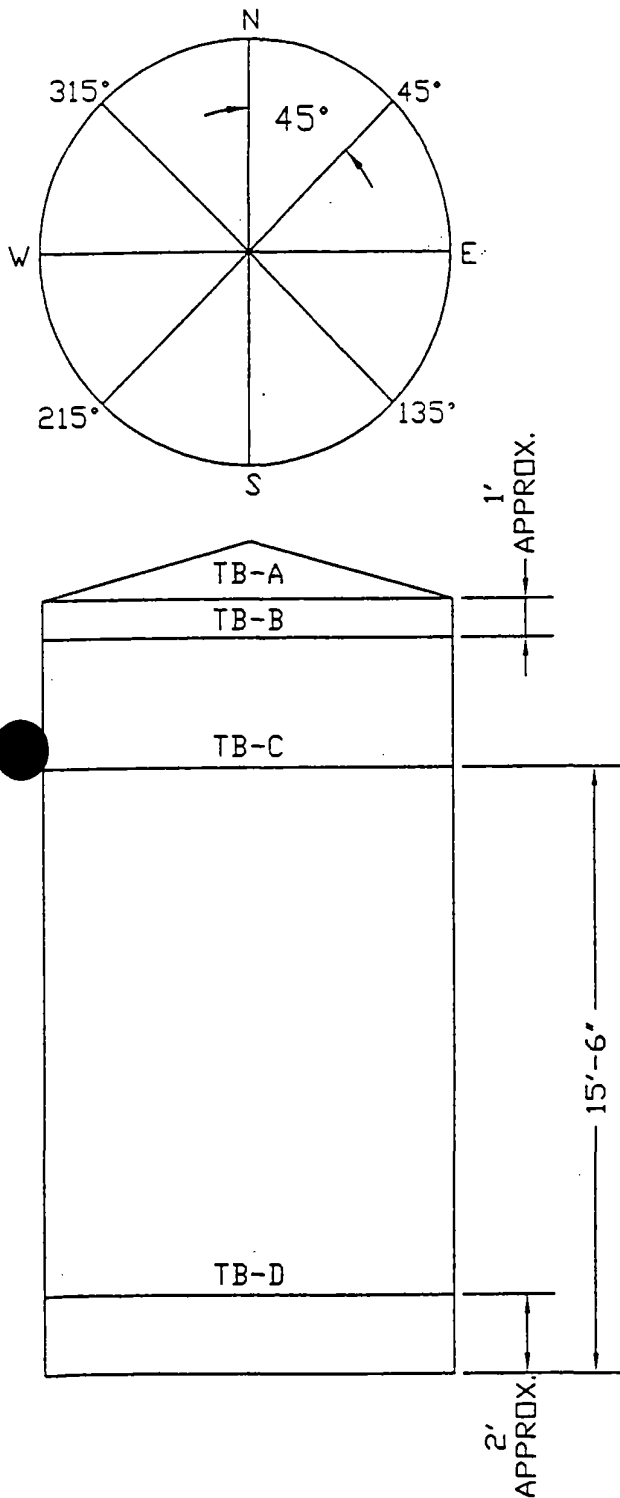


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TABLE - D
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V-TANK
150,000 GAL

IDAHO TESTING & INSPECTION, INC.

INSPECTOR: BRYAN COUNTRYMAN

REVIEWED BY: *[Signature]*

DATE: 11-20-2000

PROCEDURE: API 653 SECTION 4.3.3

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| 6. Louis A. Reichart | 1-208-466-0057 |
| 7. Randy Blackburn | 1-208-465-5296
1-208-442-0240
1-208-250-2129 |

~~8. Randy Mayberry~~

~~1-208-447-8669~~

8. GARY VANCE

208-447-8669

9. JOHN TAFOYA

208-891-0508



COMMERCIAL FUEL RECYCLING, LLC.

Office – 7336 Coral Ct. Nampa, Idaho 83687 (208-465-5296)

Site – 710 N Sugar St. Nampa, Idaho 83687

EMERGENCY RESPONSE PLAN AND MATERIAL SPILL GUIDE

INTRODUCTION

Recent evidence shows that petroleum materials incidents are considered by many to be the most significant threat facing local communities. Citizens and officials are becoming increasingly concerned about the possibility of a petroleum material spill within their community. Fines and legal costs are increasing for those companies who are not well prepared to react to the petroleum spill. A specific, tangible result of being prepared is an emergency response plan.

One of our primary responsibilities at the scene of a spill is to protect the public and the environment. Although spill prevention is the best possible method of controlling spills of petroleum materials, we must be prepared for the worst. As a result, this Emergency Response Plan and DOT Petroleum Materials spill Guide has been developed to aid all Commercial Fuel Recycling, LLC personnel in the proper and legal requirements of dealing with the petroleum spill along a travel path, at the retail location or other situations.

The purpose of this document is to provide for efficient, coordinated, and effective action to protect individuals from any possible harm due to petroleum spill, minimize damage to the surrounding environment and to aid in petroleum materials containment and remediation. All necessary information on the proper manner in which Commercial Fuel Recycling, LLC employees should handle a spill is included in this guide, and in the event of a spill emergency, this document should be referenced in order to make certain federal, state and company policies are followed.

Read over this entire document and familiarize yourself with the proper procedures to be taken in the event of a spill. This document is a valuable resource in an emergency. The protection of our employees, the public, and the environment is of the utmost importance. Knowing what to do and when to do it can mean the difference between a minor accident and a major catastrophe.

MAXIMUM POTENTIAL DISCHARGE

The maximum potential discharge is 3,800 gallons for route trucks and 10,300 for super tankers. The material most commonly transported is used oil, recycled fuel oil, antifreeze and oil water.

SPILL CONTAINMENT PROCEDURES

In the event that a petroleum spill should occur, immediate action by all responsible parties, emergency personnel, state, and/or federal agencies is required. Utilize the following as a guide to containing a spill:

SAFETY FIRST – The first action should be the safeguard of life and property. Remember that the containment of any spill should only be attempted if safe and feasible under the conditions present. If in doubt, remain clear of the spill area until emergency personnel and / or clean up contractors arrive on the scene.

STOP THE FLOW – As quickly as safety allows, locate and / or determine the source of the release or cause of the spill, and if possible, stop the flow.

SECURE THE AREA – Make sure all vehicle engines are off and are not allowed to travel through the spill area. If fuel is under or around a vehicle, DO NOT move or start the engine. If possible, block off the area, or otherwise prevent contact of anyone or anything with the spilled material and keep everyone at a safe distance. Keep fires, flame and lighted cigarettes, cigars and pipes away from the scene.

SHUT OFF ELECTRICAL POWER – If a petroleum spill, underground storage tank (UST), or a serious accident should occur at a retail site in the vicinity of the dispensers, the driver should immediately notify the store manager or clerk to press the dispenser kill switch usually located behind the sales counter. In addition, the store manager or clerk should also locate the breaker box in the store and turn off the breakers labeled SUB-PUMPS. Although the kill switch behind the counter should kill all power to both the dispensers and the sub-pumps, turning off the breakers will insure that the flow of petroleum from the tank to the dispenser will be cut off should the kill switch fail.

CONTAIN THE SPILL - Locate the transport spill kit and spark-less shovel, and deploy the absorbent socks and pads around the spill area to keep the material from migrating to other areas. All efforts should be taken so that the spilled material is not allowed to enter any storm drains or sewer openings. The absorbent socks from the spill kit can be placed around the opening of the drain to prevent the material from entering the opening.

UTILIZE DIRT AND OTHER OBJECTS – If all socks and pads have already been used, dirt can be used to make a circular dike around the drain. If the petroleum spill is more than the dike can handle, a large trash bag can be laid out over the surface of the drain and dirt piled on top of it. This, in addition to the dike, should prevent the spilled materials from entering the opening.

AVOID CONTACT WITH SKIN OR EYES – in case of contact with skin, wash the area well with soap and water. In case of eye contact, flush face and eyes with running water for 15 minutes and seek medical attention. Any clothing that becomes contaminated with fuel should be removed to prevent further contact with skin and inhalation of fumes.

REPORT THE SPILL IMMEDIATELY – After the area is secure and the spilled material is in no immediate danger of escaping off of the travel path or property, the spill needs to be reported immediately.

SPILL CONTAINMENT PROCEDURES INVOLVING WATER

If a petroleum spill or serious accident should occur involving a body of water, the following should provide some knowledge of the behavior of the material once it has reached water.

BE AWARE OF WEATHER AND WATER CONDITIONS – Wind, temperature and current speed effect the movement and rate of evaporation of the petroleum product. The longer the product remains in contact with the water the more difficult it is to retrieve, therefore, the clean-up operations should commence as soon as possible to minimize the damage.

SPILLS ON STILL WATERS – If the spill is on still waters such as a pond, wind direction and speed should be one of the first considerations as to where the containment equipment should be placed. On still waters, place booms and spill pads on the leeward shores. The petroleum product should be concentrated in this area due to the wind and the clean-up process will be more effective.

SPILLS ON STREAMS – If the spill is on a stream, a crosswind can be helpful by concentrating the petroleum product on one side thus reducing the area for the overall clean-up efforts. Anchor booms and spill pads across the stream below the spill area to capture moving product.

REPORT THE SPILL IMMEDIATELY – After the area is secure and the spilled material is in no immediate danger of escaping off the property, the spill needs to be reported immediately.

PROCEDURES FOR SPILL NOTIFICATION

If at any time during the initial spill response the driver determines the spill cannot be contained adequately and there is a potential safety hazard and/or environmental impact call 911 first, then call Commercial Fuel Recycling, LLC emergency contacts as listed below immediately.

If the spill is safely containable, call Commercial Fuel Recycling, LLC emergency contact as listed below immediately. Any spill of any quantity should be notified to Commercial Fuel Recycling, LLC.

If no contact is made with Commercial Fuel Recycling, LLC emergency contacts within 30 minutes call INFORAC AT 800-535-5053 immediately.

Contacts (call in order as listed):

Commercial Fuel Recycling, LLC Spill Coordinator:

Randy Blackburn
Work: 208-465-5296
Home: 208-442-0240
Cell: 208-250-2129

~~Dirk Edwards
Work: 208-465-5296
Home: 208-495-2158
Cell: 208-841-3187~~

James Carlton
Work: 530-335-3566
Home: 530-337-6241
Cell: 530-945-5487

Leslie Carlton
Work: 530-335-3566
Home: 530-335-5516
Cell: 530-945-9959

INFOTRAC/24HR EMERGENCY COMMUNICATIONS CENTER 800-535-5053

Use all numbers until you speak directly to one of the above

An outline of these instructions for quick access at the time of a spill should be located and maintained with the spill kit at all times.

Failure to report a spill of any quantity to Commercial Fuel Recycling, LLC. personnel could result in large fines and penalties to Commercial Fuel Recycling, LLC. in addition to severe damage to surrounding property and the environment.

INFOTRAC – 24 HOUR EMERGENCY ASSISTANCE

INFOTRAC is a 24-hour emergency response communications center available to both Commercial Fuel Recycling, LLC. drivers and office personnel. INFOTRAC provides immediate information and emergency assistance to anyone involved with a spill, fire or exposure to a hazardous material. As a subscriber to INFOTRAC, Commercial Fuel Recycling, LLC. has provided a list of emergency contacts, which will be contacted by INFOTAC as a result of any emergency. INFOTRAC also maintains all MSDS (Material Safety Data Sheets) including the various petroleum products transported by Commercial Fuel Recycling, LLC. and can be available to assist in the event of an emergency. The benefit of this system is that in the event an individual is in an emergency situation, INFOTRAC will provide emergency as well as medical assistance to the individual and notify Commercial Fuel Recycling, LLC. immediately of the emergency.

INFOTRAC 24 HOUR EMERGENCY ASSISTANCE

800-535-5053

PROCEDURES FOR REPORTING A SPILL

Commercial Fuel Recycling, LLC. Personnel and/or environmental contractors are responsible for reporting a spill to the proper authorities. Regardless, of spill quantity, all drivers should report any spill to the Commercial Fuel Recycling, LLC. corporate office. Commercial Fuel Recycling, LLC. corporate office will determine if the spill requires notification.

The following guidelines can be used in determining if a spill is reportable:

If a spill is less than 25 gallons notification to state and/or federal authorities is not required.

If a spill is greater than 25 gallons notification to state and federal authorities is required. All applicable reports should be filed, and Commercial Fuel Recycling, LLC. should retain copies of all reports and statements as a reference.

If a spill is greater than 25 gallons and an environmental contractor is assisting on site notification to state and federal authorities may be handled by the environmental contractor. All applicable reports should be filed, and Commercial Fuel Recycling, LLC. should retain copies of all reports and statements as a reference.

SPILL CONTAINMENT & REMEDIATION RESPONSIBILITIES

In the event the spill requires assistance from an environmental contractor, the spill coordinator will contact the necessary contractor for immediate containment and clean up of the spill. Any information you can provide personnel will aid the clean-up contractor in accessing the spill and help in the clean-up process.

Commercial Fuel Recycling, LLC. has contracted with regional environmental remediation companies to assist with the containment, remediation and disposal of petroleum material as a result of a release or spill. In the event of a spill Commercial Fuel Recycling, LLC. personnel may contact these companies for assistance based on the situation involving the spill. The intent for contacting these companies is to provide adequate assistance on an as needed basis as determined by Commercial Fuel Recycling, LLC.

REMEDIATION CONTRACTOR:

**RICK RHODES
OR
GREG MINOR**

WORK: 208-383-1095

DISPOSAL OF SPILL KIT EQUIPMENT

Due to the environmental responsibilities involving petroleum materials, Commercial Fuel Recycling, LLC. must properly dispose of all soiled spill kit materials. Disposal should be in accordance with Federal, State and local regulations.

If the spill kit material and/or equipment has been used as a result of a spill, Commercial Fuel Recycling, LLC. personnel will arrange for proper disposal.

If the spill kit material and/or equipment has been used as a result of a spill and an environmental contractor is on site, notify Commercial Fuel Recycling, LLC. they will instruct the environmental contractor to arrange for proper disposal.

PUBLIC RELATIONS IN EMERGENCIES

In the aftermath of a petroleum spill, Commercial Fuel Recycling, LLC. employees may be approached by media personnel (radio, TV, newspaper, etc.) for a statement. Individuals requiring information on the incident should be referred to the spill coordinator at Commercial Fuel Recycling, LLC. corporate office.

In the event that a statement is needed and the spill coordinator is unavailable the following is a guide to assist your response:

Comments should be limited to the fact that ~~the~~ appropriate agencies and emergency personnel have been notified, and clean up measures are being taken to limit any damage to the environment.

Cooperate with all government agencies. Make sure you obtain the names, organization, title and phone numbers of all governmental agency personnel on the scene and provide this information to Commercial Fuel Recycling, LLC. personnel. Commercial Fuel Recycling, LLC. personnel will need this information when reporting the spill to the proper authorities.

Questions dealing with fault, liability, or insurance will be answered by authorities at a later time.

Remember – remain calm and stay in control. Your attitude in dealing with the media will make a big difference in the handling of news about the emergency.

LOCAL & STATE AGENCIES

INFOTRAC

1-800-535-5053

IDAHO STATE EMERGENCY RESPONSE

1-800-632-8000

SPILL COORDINATOR RESPONSIBILITIES

This Hazardous Spill Guide sets forth recommended company rules and procedures which are a combination of state and federal regulations, safe operating practices, and general rules for the handling of a petroleum spill. It is the spill coordinator's job to remain up to date on any new state or federal laws that effect the handling and / or transport of petroleum products. Below are some of the responsibilities of the spill coordinator:

1. Make periodic inspections to determine that the petroleum shipments are being handled properly in each phase of operations. These inspections will include, but not be limited to, a review of shipping manifests for accuracy and completeness, inspection of transport trucks to determine overall condition, and driver handling of the loads. Inspection of office as well as driver personnel.
2. Periodic inspection of spill kits and spill kit contents on the transport trucks, and verify Westpoint Transportation, Inc. drivers know how to use them in case of a spill.
3. See that all required reports are filed on accidents involving a petroleum spill. Required reports for state and local agencies vary.
4. Review and maintain the Emergency Response Plan annually. Review all pertinent federal and state regulations, telephone numbers, etc. to make certain that any changes are reflected in this guide.
5. Develop recommendations, based on experience, for changes or additions to this guide.
6. Remain on call 24 hours per day to assist in the containment and notification of a hazardous spill.

(The following is to be located and maintained with the transport spill kit to assist in the containment of a spill.)

EMERGENCY SPILL RESPONSE

Immediate spill response is critical. Containment action is the only way to reduce the risk of off site contamination, and the potential reporting of events under the regulated limits.

Follow these guidelines for responding to a spill or release:

1. **Take IMMEDIATE ACTIONS to contain the spill. USE YOUR SPILL KT.** Get Ahead of the spill and build a kike with the socks in the kit. Use oil dry and pads until you can get additional assistance. Try to prevent any fuel from leaving the travel path or station lot-block off storm drains and curb cuts that lead off the property with the socks, oil dry, and/or dirt.
2. **Call the spill Coordinator-Randy Blackburn**-after containment measures have been taken. If you call and do not get a response within 15minutes, call again. Call the next person if you do not get a response within 5 minutes of the second call. Limit phone conversations while you are waiting for a response. **If at any time during the initial spill response the driver determines the spill cannot be contained adequately and there is a potential safety hazard and/or environmental impact, call 911 first, than call emergency contacts as listed below immediately.**
3. . Be prepared to give the Spill Coordinator an accurate report of the spill event. This includes how, when, where, and what—basic questions. Be prepared to report additional information which may have a bearing on the problem such as the weather and road conditions.
4. **Follow the Spill Coordinator's instructions.** The spill coordinator will dispatch personnel to Assist with the clean up if required, and will make **all required notifications to the regulatory agencies.**
5. All material from any spill event must be disposed of properly. Commercial Fuel Recycling, LLC. or an authorized Commercial Fuel Recycling, LLC. environmental contractor will properly dispose of used material.

HOW TO USE A SPILL KIT

1. **Remove Kit:** Remove the spill kit from the holder and move it to the vicinity of the spilled material.
2. **Empty Contents:** Remove all of the contents so that the container is empty.
3. **Contain the spill:** Surround the spill with the absorbent socks (tube like pillows) by forming a circle around the spilled product. If area is too large to surround, place socks around storm sewer or drain openings. The ultimate goal is to prevent spilled material from escaping off of the travel path, station lot or into the environment (soil & water).
4. **Clean Up The Spill:** Once the material is contained and the proper personnel have been notified, use the extra absorbent pillows and socks to soak up the remaining material.
5. **Disposal:** Use the disposal bags contained within the spill kit to dispose of saturated material. The plastic drum may be used for additional waste and/or to hold extra volumes of absorbent in an emergency. Do not dispose of used materials in the trash. Contact Commercial Fuel Recycling, LLC. corporate office to arrange for proper disposal.
6. **Additional Uses:** The spill kit may also be used in the event that you find a leak. Use the absorbent socks to wrap around fittings, hoses, and/or equipment on the transport unit or with on-site equipment. These can also be used in other areas where you might have petroleum leaking in small volumes. Commercial Fuel Recycling, LLC. must still be notified of any spills.
7. **Replenish The Kit:** Any materials used out of the spill kit must be replaced immediately. Notify Commercial Fuel Recycling, LLC. corporate office and personnel will notify the property owner.



ACORD CERTIFICATE OF LIABILITY INSURANCEOP ID NM
COMME-1

DATE (MM/DD/YYYY)

04/11/06

PRODUCER

Blaine & Co., Inc. - Bend
Bend Office
1327 John Fremont Street
Bend OR 97701

Phone: 800-267-6042 Fax: 541-815-7223

INSURED

Commercial Fuel Recycling LLC
Randy Blackburn
7336 Coral Ct
Nampa ID 83687

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION
ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE
HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR
ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.

INSURERS AFFORDING COVERAGE**NAIC #**

INSURER A: Hudson Specialty Insurance Co
INSURER B: c/o Swett Insurance
INSURER C:
INSURER D:
INSURER E:

COVERAGES

THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING
ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR
MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH
POLICIES. AGGREGATE LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR ADCL LTR INSR	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YY)	POLICY EXPIRATION DATE (MM/DD/YY)	LIMITS
A	GENERAL LIABILITY	FSP6104991	12/19/05	12/19/06	EACH OCCURRENCE \$ 2,000,000
	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY				DAMAGES TO RENTED PREMISES (Ea occurrence) \$ 50,000
	<input type="checkbox"/> CLAIMS MADE <input checked="" type="checkbox"/> OCCUR				MED EXP (Any one person) \$ 5,000
	<input checked="" type="checkbox"/> 3rd party pollution				PERSONAL & ADY INJURY \$ 1,000,000
	GEN'L AGGREGATE LIMIT APPLIES PER:				GENERAL AGGREGATE \$ 2,000,000
	<input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC				PRODUCTS - COMP/CP AGG \$ 2,000,000
	AUTOMOBILE LIABILITY				COMBINED SINGLE LIMIT (Ea accident) \$
	<input type="checkbox"/> ANY AUTO				BODILY INJURY (Per person) \$
	<input type="checkbox"/> ALL OWNED AUTOS				BODILY INJURY (Per accident) \$
	<input type="checkbox"/> SCHEDULED AUTOS				PROPERTY DAMAGE (Per accident) \$
	<input type="checkbox"/> HIRED AUTOS				
	<input type="checkbox"/> NON-OWNED AUTOS				
	GARAGE LIABILITY				AUTO ONLY - EA ACCIDENT \$
	<input type="checkbox"/> ANY AUTO				OTHER THAN EA ACC \$
	EXCESS/UMBRELLA LIABILITY				AUTO ONLY AGG \$
	<input type="checkbox"/> OCCUR <input type="checkbox"/> CLAIMS MADE				EACH OCCURRENCE \$
	<input type="checkbox"/> DEDUCTIBLE				AGGREGATE \$
	RETENTION \$				\$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY				WC STATUTORY LIMITS <input type="checkbox"/> OTHER <input type="checkbox"/>
	ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/ MEMBER EXCLUDED?				E.L. EACH ACCIDENT \$
	If yes, describe under SPECIAL PROVISIONS below				E.L. DISEASE - EA EMPLOYEE \$
	OTHER				E.L. DISEASE - POLICY LIMIT \$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES / EXCLUSIONS ADDED BY ENDORSEMENT / SPECIAL PROVISIONS

CERTIFICATE HOLDER

State of Utah
Department of Environmental
Quality
P. O. Box 144880
Salt Lake City UT 84114-4880

STAUTA3

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION
DATE THEREOF, THE ISSUING INSURER WILL ENDEAVOR TO MAIL 10 DAYS WRITTEN
NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE TO DO SO SHALL
IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE INSURER, ITS AGENTS OR
REPRESENTATIVES.

AUTHORIZED REPRESENTATIVE

Norme M. M. M.



Internal
Revenue
Service

Employer Identification Number (EIN) Cover Sheet

Date

October 31, 2003

No. of pages (including
this one)

1

Brookhaven IRS Campus - EIN Department

FAX: 1-631-447-8960

Phone: 1-800-829-4933

To

RANDY BLACKBURN

From

Tax Examiner

Team

LIZ

108

FAX

(208)442-2829

Phone

ATTENTION

Name of Entity

COMMERCIAL FUEL RECYCLING LLC

EIN

13-4268268

Name of Entity

EIN

Name of Entity

EIN



Please see the following letter regarding missing or incorrect information on your Form SS-4, Application for a Federal Employer Identification Number (EIN).

This communication is intended for the sole use of the individual to whom it is addressed and may contain information that is privileged, confidential, and exempt from disclosure under the applicable law. If the reader of this communication is not the intended recipient or the employee or agent for delivering the communication to the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication may be strictly prohibited. If you have received this communication in error, please notify the sender immediately by telephone, and return the communication via fax at the number given. Thank you.





STATE OF IDAHO
DEPARTMENT OF
ENVIRONMENTAL QUALITY

1000 West 10th • Boise, ID 83725-1295 • (208) 378-1500

Dir. Kathleen A. Gorman
C. Stephen Ainsc. Director

September 19, 2003

Randy Blackburn
Commercial Fuel Recycling, LLC
7335 Coral Ct
Nampa, ID 83687

Dear Mr. Blackburn:

Re: Acknowledgment of Notification of Regulated Waste Activity

This is to acknowledge you have filed a "Notification of Regulated Waste Activity" form, for the installation located at the address shown below, to comply with Section 3010 of the Resource Conservation and Recovery Act (RCRA).

FACILITY NAME: **Commercial Fuel Recycling, LLC**
EPA ID NUMBER: **IDR000201475**
LOCATION ADDRESS: **710 Sugar St
Nampa Idaho 83687**

Your EPA Identification Number must be included on:

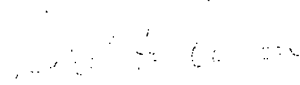
- 1) All shipping manifests for transporting hazardous wastes
- 2) All Biennial Reports that large quantity generators of hazardous wastes and owners and operators of hazardous waste treatment, storage, and disposal facilities must file with EPA
- 3) All applications for Federal Hazardous Waste Permits
- 4) All other hazardous waste management reports and documents required under Subtitle C of RCRA

According to Idaho Statute 39-4411(4), large and small quantity generators are required to submit a *Hazardous Waste Generator Annual Report*. A copy of the Annual Report Form, with instructions, will be sent to you in November of 2003. Conditionally Exempt SQGs are not required to submit the report. Generator status may be determined by the chart below.

Generator Status	Large Quantity Generator	Small Quantity Generator	Conditionally Exempt SQG
Amount of waste generated during a calendar month	>2,200 pounds (1,000 kg)	>220 pounds (100 kg) but <2,200 pounds (1,100 kg)	<220 pounds

If you have any questions or any corrections to make on the above information, please call me at 208/373-0210.

Sincerely,


Rand Anderson
Hazardous Waste Analyst
Waste Management & Remediation Division

THIS DOCUMENT CONTAINS NEITHER RECOMMENDATIONS NOR CONCLUSIONS OF THE NATIONAL BUREAU OF STANDARDS

2003-09-19
LTP

MAIL THE COMPLETED FORM TO: The Appropriate State or EPA Regional Office		United States Environmental Protection Agency RCRA SUBTITLE C SITE IDENTIFICATION FORM	
1. Reason for Submittal (See instructions on page 23): MARK CORRESPONDING BOX(ES)	Reason for Submittal: <input checked="" type="checkbox"/> To provide Initial Notification of Regulated Waste Activity (to obtain an EPA ID Number for hazardous waste, universal waste, or used oil activities) <input type="checkbox"/> To provide Subsequent Notification of Regulated Waste Activity (to update site identification information) <input type="checkbox"/> As a component of a First RCRA Hazardous Waste Part A Permit Application <input type="checkbox"/> As a component of a Revised RCRA Hazardous Waste Part A Permit Application (Amendment # _____) <input type="checkbox"/> As a component of the Hazardous Waste Report.		
2. Site EPA ID Number (See instructions on page 24)	EPA ID Number: _____		
3. Site Name (See instructions on page 24)	Name: <u>COMMERCIAL FUEL RECYCLING, LLC.</u>		
4. Site Location Information (See instructions on page 24)	Street Address: <u>710 SUGAR ST.</u>		State: <u>IDAHO</u> Zip Code: <u>83687</u>
	City, Town, or Village: <u>NAMPA</u>		
	County Name: <u>CANTON</u>		
5. Site Land Type (See instructions on page 24)	Site Land Type: <input checked="" type="checkbox"/> Private <input type="checkbox"/> County <input type="checkbox"/> District <input type="checkbox"/> Federal <input type="checkbox"/> Indian <input type="checkbox"/> Municipal <input type="checkbox"/> State <input type="checkbox"/> Other		
6. North American Industry Classification System (NAICS) Code(s) for the Site (See instructions on page 24)	A. <u>56292</u>	B. <u>56299</u>	
	C. <u>56211</u>	D. <u>562119</u>	
7. Site Mailing Address (See instructions on page 25)	Street or P. O. Box: <u>7336 CORAL CT.</u>		
	City, Town, or Village: <u>NAMPA, ID</u>		
	State: <u>ID</u>		
	Country: <u>CANTON</u>		Zip Code: <u>83687</u>
8. Site Contact Person (See instructions on page 25)	First Name: <u>RANDY</u>	MI: <u>W.</u>	Last Name: <u>BLACKBURN</u>
	Phone Number: <u>208 465-5296</u> / <u>208 250-2129</u>		Phone Number Extension: <u> </u>
9. Legal Owner and Operator of the Site (See instructions on pages 25 to 26)	A. Name of Site's Legal Owner: <u>THE REICHAUT FAMILY TRUST</u>		Date Became Owner (mm/dd/yyyy): <u>05-15-1985</u>
	Owner Type: <input checked="" type="checkbox"/> Private <input type="checkbox"/> County <input type="checkbox"/> District <input type="checkbox"/> Federal <input type="checkbox"/> Indian <input type="checkbox"/> Municipal <input type="checkbox"/> State <input type="checkbox"/> Other		
	B. Name of Site's Operator: <u>COMMERCIAL FUEL RECYCLING, LLC.</u>		Date Became Operator (mm/dd/yyyy): <u>09-01-2003</u>
Operator Type: <input checked="" type="checkbox"/> Private <input type="checkbox"/> County <input type="checkbox"/> District <input type="checkbox"/> Federal <input type="checkbox"/> Indian <input type="checkbox"/> Municipal <input type="checkbox"/> State <input type="checkbox"/> Other			

EPA ID No.

10. Type of Regulated Waste Activity (Mark the appropriate boxes for activities that apply to your site. See instructions on pages 26 to 30)

A. Hazardous Waste Activities

1. Generator of Hazardous Waste
(Choose only one of the following three categories.)

- ☐ a. UGSL - accumulate more than 1,000 kg/mo (2,200 lbs/mo) of non-acute hazardous waste, or
- ☐ b. SQGLS - 100 to 1,000 kg/mo (220 - 2,200 lbs/mo) of non-acute hazardous waste, or
- ☐ c. LB-SQGLS - Less than 100 kg/mo (220 lbs/mo) of non-acute hazardous waste

In addition, indicate other generator activities. (Mark all that apply)

- ☐ d. United States Importer of Hazardous Waste
- ☐ e. Mixed Waste (hazardous and radioactive) Generator

For Items 2 through 6, mark all that apply.

- ☐ 2. Transporter of Hazardous Waste
- ☐ 3. Treater, Storer, or Disposer of Hazardous Waste (at your site) Note: A hazardous waste permit is required for this activity
- ☐ 4. Recycler of Hazardous Waste (at your site) Note: A hazardous waste permit may be required for this activity
5. Exempt Boiler and/or Industrial Furnace
- ☐ a. Small Quantity On-site Burner Exemption
- ☐ b. Smelting, Melting, and Refining Furnace Exemption
- ☐ 6. Underground Injection Control

B. Universal Waste Activities

1. Large Quantity Handler of Universal Waste (accumulate 5,000 kg or more) (refer to your State regulations to determine what is regulated). Indicate types of universal waste generated and/or accumulated at your site. (Mark all boxes that apply):

	Generate	Accumulate
a. Batteries	<input type="checkbox"/>	<input type="checkbox"/>
b. Pesticides	<input type="checkbox"/>	<input type="checkbox"/>
c. Thermostats	<input type="checkbox"/>	<input type="checkbox"/>
d. Lamps	<input type="checkbox"/>	<input type="checkbox"/>
e. Other (specify)	<input type="checkbox"/>	<input type="checkbox"/>
f. Other (specify)	<input type="checkbox"/>	<input type="checkbox"/>
g. Other (specify)	<input type="checkbox"/>	<input type="checkbox"/>

- ☐ 2. Destination Facility for Universal Waste

Note: A hazardous waste permit may be required for this activity

C. Used Oil Activities (Mark all boxes that apply.)

1. Used Oil Transporter - Indicate Type(s) of Activity(ies):

- ☒ a. Transporter
- ☐ b. Transfer Facility

2. Used Oil Processor and/or Re-refiner - Indicate Type of Activity(ies)

- ☒ a. Processor
- ☐ b. Re-refiner

- ☐ 3. Off-Specification Used Oil Burner

4. Used Oil Fuel Marketer - Indicate Type(s) of Activity(ies)

- ☐ a. Marketer Who Directs Shipment of Off-Specification Used Oil to Off-Specification Used Oil Burner
- ☒ b. Marketer Who First Claims the Used Oil Meets the Specifications

11. Description of Hazardous Wastes (See instructions on page 31)

A. Waste Codes for Federally Regulated Hazardous Wastes Please list the waste codes of the Federal hazardous wastes handled at your site. List the the order they are presented in the regulations (e.g., D031, D003, F007, U112). Use an additional page if more spaces are needed.

NONE						

EPA ID No.

B. Waste Codes for State-Regulated (i.e., non-Federal) Hazardous Wastes. Please list the waste codes of the State-regulated hazardous wastes found at your site. List them in the order they are presented in the regulations. Use an additional page if more spaces are needed for waste codes.

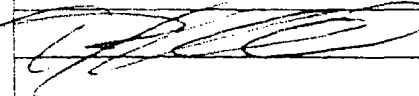
NONE						

12. Comments (See instructions on page 31)

PLEASE ISSUE EPA # AS SOON AS POSSIBLE

REASON FOR SUBMITTAL: TO OBTAIN EPA # FOR
USED OIL ACTIVITIES.

13. Certification. I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations. (See instructions on page 31)

Signature of owner, operator, or an authorized representative	Name and Official Title (type or print)	Date Signed (mm/dd/yyyy)
	RANDY BLACKBURN S.M.	9-10-02



Boise Office
P.O. Box 1072, Boise, Idaho 83701
Phone: (208) 383-1095

Environmental & Hazardous Waste Services

December 15, 2003

Randy Blackburn
Commercial Fuel Recycling
7336 Coral Ct.
Nampa ID 83687

Dear Mr. Blackburn:

You have requested that Residuals Management, Inc. provide you with an estimate to dispose process material that could accumulate at your site at 710 N. Sugar Street in Nampa.

Specifically, you wanted us to address the four tanks on the west side of the site. Two of the tanks are to be used for fuel derived from used oil, one tank is to be used for oily water, and the fourth tank will contain used anti-freeze (a combination of water and either ethylene glycol and/or propylene glycol). One tank is 13,000 gallons, a second is 10,000, and the two remaining are 12,000 gallon capacity. These tanks are specified in the Spill Prevention Control and Countermeasure Plan (SPC Plan) that you have prepared for the facility.

We have evaluated only the cost to remove all stored product from these tanks. We have not addressed any on-site spills, uncontained material, or contamination of the ground. Selecting a "reasonable" spill scenario is nearly impossible because of the variables inherent in all the different possible combinations of events. We have, however, estimated a cost for disposal, at prices that are now current, for the most expensive combination of products in the four tanks. The current costs for the volumes of waste that could be in the tanks are \$.50 per gallon for the used anti-freeze, \$1.10 per gallon for the oily water, and no charge for the oil (oil will be removed and recycled for no charge from the receiving company). In fact, an oil recycling facility may accept the water and anti-freeze for no charge if they were able to use the two tanks of oil as "payment".

The most expensive combination of waste, then, would be no used oil in the tanks, and all four tanks full of oily water. We note that the intended use of the tanks is for one tank to contain oily water, one to contain a glycol mix, and two to contain oil.

If all tanks were full of oily water, the disposal cost would be \$51,700 (47,000 gallons total X \$1.10).




Printed on Recycled Paper

If the tanks were used as expressed in the SPCC Plan, then the cost for disposal would be \$19,200 (\$1.50/gal glycol X 12,000 gallons + \$1.10/gal X 12,000 gallons oily water).

These potential clean-up costs are based on costs as of the date of this letter, and include only the cost of moving the specified materials off-site and legally disposing them. No costs for cleaning out tanks, remediating soil or water, or disposing of any other waste material, either hazardous or non-hazardous, are included in the estimates given.

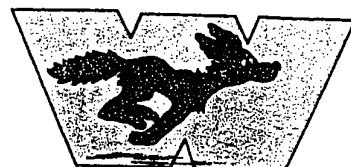
Residuals Management, Inc. was incorporated in Idaho in 1985 to offer services in all areas of environmental and hazardous waste management. We perform emergency responses, transportation and disposal of hazardous waste, design and implement clean up projects, and offer a full range of professional consulting services. We package, transport and dispose of a full range of hazardous wastes from many different waste generators and many different waste facilities. We have standing contracts and operating agreements with disposal facilities all over the country. We have emergency response contracts with firms nationwide for 24-hour response to chemical and petroleum releases. Our work experience includes property assessments for transfer, underground tank services, groundwater and hydrologic assessment projects, remediation of past contamination, and developing waste management systems. We perform vital services in all phases of environmental assessments, including sampling plans and remediation; underground tank testing and removal; asbestos surveys; management plans; hazard communication plans; and response training.

Regards,


Gregory H. Miner
President



WESTPOINT TRANSPORTATION, INC. *"None Faster"*
Regional Office • P.O. Box 7627 • Boise, Idaho 83707 • Phone (208) 376-6228



EMERGENCY RESPONSE PLAN
AND
DOT HAZARDOUS MATERIALS SPILL GUIDE

INTRODUCTION

Recent evidence shows that hazardous materials incidents are considered by many to be the most significant threat facing local communities. Citizens and officials are becoming increasingly concerned about the possibility of a hazardous material spill within their community. Fines and legal costs are increasing for those companies who are not well prepared to react to the hazardous material spill. A specific, tangible result of being prepared is an emergency response plan.

One of our primary responsibilities at the scene of a spill is to protect the public and the environment. Although spill prevention is the best possible method of controlling spills of hazardous materials, we must be prepared for the worst. As a result, this Emergency Response Plan and DOT Hazardous Materials Spill Guide has been developed to aid all Westpoint Transportation, Inc. personnel in the proper and legal requirements of dealing with the petroleum spill along a travel path, at the retail location or other situations.

The purpose of this document is to provide for efficient, coordinated, and effective action to protect individuals from any possible harm due to petroleum spill, minimize damage to the surrounding environment and to aid in hazardous materials containment and remediation. All necessary information on the proper manner in which Westpoint Transportation, Inc. employees should handle a spill is included in this guide, and in the event of a spill emergency, this document should be referenced in order to make certain federal, state and company policies are followed.

Read over this entire document and familiarize yourself with the proper procedures to be taken in the event of a spill. This document is a valuable resource in an emergency. The protection of our employees, the public, and the environment is of the utmost importance. Knowing what to do and when to do it can mean the difference between a minor accident and a major catastrophe.

MAXIMUM POTENTIAL DISCHARGE

The maximum potential discharge for Diesel or Distillates is 10,300 gallons. The maximum potential discharge for Gasoline is 11,400 gallons. These are the maximum capacities of each tanker

SPILL CONTAINMENT PROCEDURES

In the event that a petroleum spill should occur, immediate action by all responsible parties, emergency personnel, state, and/or federal agencies is required. Utilize the following as a guide to containing a spill:

SAFETY FIRST – The first action should be the safeguard of life and property. Remember that the containment of any spill should only be attempted if safe and feasible under the conditions present. If in doubt, remain clear of the spill area until emergency personnel and / or clean up contractors arrive on the scene.

STOP THE FLOW – As quickly as safety allows, locate and / or determine the source of the release or cause of the spill, and if possible, stop the flow.

SECURE THE AREA – Make sure all vehicle engines are off and are not allowed to travel through the spill area. If fuel is under or around a vehicle, **DO NOT** move or start the engine. If possible, block off the area, or otherwise prevent contact of anyone or anything with the spilled material and keep everyone at a safe distance. Keep fires, flame and lighted cigarettes, cigars and pipes away from the scene.

SHUT OFF ELECTRICAL POWER – If a petroleum spill, underground storage tank (UST), or a serious accident should occur at a retail site in the vicinity of the dispensers, the driver should immediately notify the store manager or clerk to press the dispenser kill switch usually located behind the sales counter. In addition, the store manager or clerk should also locate the breaker box in the store and turn off the breakers labeled SUB-PUMPS. Although the kill switch behind the counter should kill all power to both the dispensers and the sub-pumps, turning off the breakers will insure that the flow of petroleum from the tank to the dispenser will be cut off should the kill switch fail.

CONTAIN THE SPILL - Locate the transport spill kit and spark-less shovel, and deploy the absorbent socks and pads around the spill area to keep the material from migrating to other areas. All efforts should be taken so that the spilled material is not allowed to enter any storm drains or sewer openings. The absorbent socks from the spill kit can be placed around the opening of the drain to prevent the material from entering the opening.

UTILIZE DIRT AND OTHER OBJECTS – If all socks and pads have already been used, dirt can be used to make a circular dike around the drain. If the petroleum spill is more than the dike can handle, a large trash bag can be laid out over the surface of the drain and dirt piled on top of it. This, in addition to the dike, should prevent the spilled materials from entering the opening.

AVOID CONTACT WITH SKIN OR EYES – in case of contact with skin, wash the area well with soap and water. In case of eye contact, flush face and eyes with running water for 15 minutes and seek medical attention. Any clothing that becomes contaminated with fuel should be removed to prevent further contact with skin and inhalation of fumes.

REPORT THE SPILL IMMEDIATELY – After the area is secure and the spilled material is in no immediate danger of escaping off of the travel path or property, the spill needs to be reported immediately.

SPILL CONTAINMENT PROCEDURES INVOLVING WATER

If a petroleum spill or serious accident should occur involving a body of water, the following should provide some knowledge of the behavior of the material once it has reached water.

BE AWARE OF WEATHER AND WATER CONDITIONS – Wind, temperature and current speed effect the movement and rate of evaporation of the petroleum product. The longer the product remains in contact with the water the more difficult it is to retrieve, therefore, the clean-up operations should commence as soon as possible to minimize the damage.

SPILLS ON STILL WATERS – If the spill is on still waters such as a pond, wind direction and speed should be one of the first considerations as to where the containment equipment should be placed. On still waters, place booms and spill pads on the leeward shores. The petroleum product should be concentrated in this area due to the wind and the clean-up process will be more effective.

SPILLS ON STREAMS – If the spill is on a stream, a crosswind can be helpful by concentrating the petroleum product on one side thus reducing the area for the overall clean-up efforts. Anchor booms and spill pads across the stream below the spill area to capture moving product.

REPORT THE SPILL IMMEDIATELY – After the area is secure and the spilled material is in no immediate danger of escaping off the property, the spill needs to be reported immediately.

PROCEDURES FOR SPILL NOTIFICATION

- > If at any time during the initial spill response the driver determines the spill cannot be contained adequately and there is a potential safety hazard and/or environmental impact, call 911 first, then call Westpoint Transportation, Inc. emergency contacts as listed below immediately.
- > If the spill is safely containable, call the Westpoint Transportation, Inc. emergency contacts as listed below immediately. Any spill of any quantity should be notified to Westpoint Transportation, Inc.
- > If no contact is made with Westpoint Transportation, Inc. emergency contacts within 30 minutes, call INFOTRAC AT 800-535-5053 immediately.

Contacts (call in order as listed):

Westpoint Transportation, Inc. Spill Coordinator:

John Tallent

Work: 208-376-6228

Home: 208-375-1631

Cell: 208-866-9102

Vicki Bagley

Work: 208-376-6228

Home: 208-465-5252

Cell: 208-860-0511

Charley Jones

Work: 208-375-0942

Home: 208-375-9599

Cell: 208-794-7500

Gail Arnold

Work: 208-362-9454

Home: 208-342-2372

Cell: 208-869-2304

INFOTRAC/24 HOUR EMERERGENCY COMMUNICATIONS CENTER: 800-535-5053

- > Use all numbers until you speak directly to one of the above
- > An outline of these instructions for quick access at the time of a spill should be located and maintained with the spill kit at all times.
- > Failure to report a spill of any quantity to Westpoint Transportation, Inc. personnel could result in large fines and penalties to Westpoint Transportation, Inc. in addition to severe damage to surrounding property and the environment.

INFOTRAC – 24 HOUR EMERGENCY ASSISTANCE

INFOTRAC is a 24-hour emergency response communications center available to both Westpoint Transportation, Inc. drivers and office personnel. INFOTRAC provides immediate information and emergency assistance to anyone involved with a spill, fire or exposure to a hazardous material. As a subscriber to INFOTRAC, Westpoint Transportation, Inc. has provided a list of emergency contacts, which will be contacted by INFOTRAC as a result of any emergency. INFOTRAC also maintains all MSDS (Material Safety Data Sheets) including the various petroleum products transported by Westpoint Transportation, Inc., and can be available to assist in the event of an emergency. The benefit of this system is that in the event an individual is in an emergency situation, INFOTRAC will provide emergency as well as medical assistance to the individual and notify Westpoint Transportation, Inc. immediately of the emergency.

INFOTRAC 24 HOUR EMERGENCY ASSISTANCE

800-535-5053

PROCEDURES FOR REPORTING A SPILL

Westpoint Transportation, Inc. Personnel and / or environmental contractors are responsible for reporting a spill to the proper authorities. Regardless of spill quantity, all drivers should report any spill to the Westpoint Transportation, Inc. corporate office. The Westpoint Transportation, Inc. corporate office will determine if the spill requires notification.

The following guidelines can be used in determining if a spill is reportable:

- If a spill is less than 25 gallons, notification to state and / or federal authorities is not required.
- If a spill is greater than 25 gallons, notification to state and federal authorities is required. All applicable reports should be filed, and Westpoint Transportation, Inc. should retain copies of all reports and statements as a reference.
- If a spill is greater than 25 gallons and an environmental contractor is assisting on site, notification to state and federal authorities may be handled by the environmental contractor. All applicable reports should be filed, and Westpoint Transportation, Inc. should retain copies of all reports and statements as a reference.

SPILL CONTAINMENT & REMEDIATION RESPONSIBILITIES

In the event the spill requires assistance from an environmental contractor, the spill coordinator will contact the necessary contractor for immediate containment and clean up of the spill. Any information you can provide personnel will aid the clean-up contractor in accessing the spill and help in the clean-up process.

Westpoint Transportation, Inc. has contracted with regional environmental remediation companies to assist with the containment, remediation and disposal of hazardous material as a result of a release or spill. In the event of a spill, Westpoint Transportation, Inc. personnel may contact these companies for assistance based on the situation involving the spill. The intent for contacting these companies is to provide adequate assistance on an as needed basis as determined by Westpoint Transportation, Inc.

REMEDIATION CONTRACTOR:

GAIL ARNOLD

WORK: 362-9454

HOME: 342-2372

CELL: 869-2304

DISPOSAL OF SPILL KIT EQUIPMENT

Due to the environmental responsibilities involving hazardous materials, Westpoint Transportation, Inc. must properly dispose of all soiled spill kit materials. Disposal should be in accordance with Federal, State and local regulations.

- If the spill kit material and / or equipment has been used as a result of a spill, Westpoint Transportation, Inc. personnel will arrange for proper disposal.
- If the spill kit material and / or equipment has been used as a result of a spill and an environmental contractor is on site, notify Westpoint Transportation personnel, they will instruct the environmental contractor to arrange for proper disposal.

PUBLIC RELATIONS IN EMERGENCIES

In the aftermath of a petroleum spill, Westpoint Transportation, Inc. employees may be approached by media personnel (radio, TV, newspaper, etc.) for a statement. Individuals requiring information on the incident should be referred to the spill coordinator at Westpoint Transportation, Inc.'s Corporate office.

In the event that a statement is needed and the spill coordinator is unavailable, the following is a guide to assist your response:

- Comments should be limited to the fact that the appropriate agencies and emergency personnel have been notified, and clean up measures are being taken to limit any damage to the environment.
- Cooperate with all government agencies. Make sure you obtain the names, organization, title, and phone numbers of all governmental agency personnel on the scene and provide this information to Westpoint Transportation, Inc. personnel. Westpoint Transportation, Inc. personnel will need this information when reporting the spill to the proper authorities.
- Questions dealing with fault, liability, or insurance will be answered by authorities at a later time.
- Remember – remain calm and stay in control. Your attitude in dealing with the media will make a big difference in the handling of news about the emergency.

LOCAL & STATE AGENCIES

INFOTRAC

1-800-535-5053

IDAHO STATE EMERGENCY RESPONSE

1-800-632-8000

SPILL COORDINATOR RESPONSIBILITIES

This Hazardous Spill Guide sets forth recommended company rules and procedures which are a combination of state and federal regulations, safe operating practices, and general rules for the handling of a petroleum spill. It is the spill coordinator's job to remain up to date on any new state or federal laws that effect the handling and / or transport of petroleum products. Below are some of the responsibilities of the spill coordinator:

1. Make periodic inspections to determine that the petroleum shipments are being handled properly in each phase of operations. These inspections will include, but not be limited to, a review of shipping manifests for accuracy and completeness, inspection of transport trucks to determine overall condition, and driver handling of the loads. Inspection of office as well as driver personnel.
2. Periodic inspection of spill kits and spill kit contents on the transport trucks, and verify Westpoint Transportation, Inc. drivers know how to use them in case of a spill.
3. See that all required reports are filed on accidents involving a petroleum spill. Required reports for state and local agencies vary.
4. Review and maintain the Emergency Response Plan annually. Review all pertinent federal and state regulations, telephone numbers, etc. to make certain that any changes are reflected in this guide.
5. Develop recommendations, based on experience, for changes or additions to this guide.
6. Remain on call 24 hours per day to assist in the containment and notification of a hazardous spill.

(The following is to be located and maintained with the transport spill kit to assist in the containment of a spill.)

EMERGENCY SPILL RESPONSE

Immediate spill response is critical. Containment action is the only way to reduce the risk of off site contamination, and the potential reporting of events under the regulated limits. Follow these guidelines for responding to a spill or release:

1. **Take IMMEDIATE ACTIONS to Contain the Spill. USE YOUR SPILL KIT.** Get Ahead of the spill and build a dike with the socks in the kit. Use oil dry and pads until you can get additional assistance. Try to prevent any fuel from leaving the travel path or station lot—block off storm drains & curb cuts that lead off the property with the socks, oil dry, and / or dirt.
2. **Call the Spill Coordinator-Tim Johnson**—after containment measures have been taken. If you call and do not get a response within 15 minutes, call again. Call the next person if you do not get a response within 5 minutes of the second call. Limit phone conversations while you are waiting for a response. **If at any time during the initial spill response the driver determines the spill cannot be contained adequately and there is a potential safety hazard and / or environmental impact, call 911 first, then call emergency contacts as listed below immediately.**
3. Be prepared to give the Spill Coordinator an *accurate report of the spill event*. This includes how, when, where, and what—basic questions. Be prepared to report additional information which may have a bearing on the problem such as the weather and road conditions.
4. **Follow the Spill Coordinator's instruction.** The Spill Coordinator will dispatch personnel to assist with the clean up if required, and will make all required notifications to the regulatory agencies.
5. All material from any spill event must be disposed of properly. Westpoint Transportation, Inc. or an authorized Westpoint Transportation, Inc. environmental contractor will properly dispose of used material.

HOW TO USE A SPILL KIT

1. **Remove Kit:** Remove the spill kit from the holder and move it to the vicinity of the spilled material.
2. **Empty Contents:** Remove all of the contents so that the container is empty.
3. **Contain the spill:** Surround the spill with the absorbent socks (tube like pillows) by forming a circle around the spilled product. If area is too large to surround, place socks around storm sewer or drain openings. The ultimate goal is to prevent spilled material from escaping off of the travel path, station lot or into the environment (soil & water).
4. **Clean Up The Spill:** Once the material is contained and the proper personnel have been notified, use the extra absorbent pillows and socks to soak up the remaining material.
5. **Disposal:** Use the disposal bags contained within the spill kit to dispose of saturated materials. The plastic drum may be used for additional waste and/or to hold extra volumes of absorbent in an emergency. Do not dispose of used materials in the trash. Contact Westpoint Transportation, Inc. corporate office to arrange for proper disposal.
6. **Additional Uses:** The spill kit may also be used in the event that you find a leak. Use the absorbent socks to wrap around fittings, hoses and / or equipment on the transport unit or with on-site equipment. These can also be used in other areas where you might have petroleum leaking in small volumes. Westpoint Transportation Inc. must still be notified of any spills.
7. **Replenish The Kit:** Any materials used out of the spill kit must be replaced immediately. Notify Westpoint Transportation Inc. corporate office and personnel will notify the property owner..

ACORD CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YY)

10/28/03

PRODUCER

FRED A. MORETON & CO. ID
P. O. Box 191030
Boise, ID 83719
(208) 321-9300

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.

COMPANIES AFFORDING COVERAGE

COMPANY

A

NATIONWIDE AGRIBUSINESS

COMPANY

B

COMPANY

C

COMPANY

D**INSURED**

WESTPOINT TRANSPORTATION, INC.
PO BOX 7627
BOISE, ID 83707

COVERAGES

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED, NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

CO LTR	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YY)	POLICY EXPIRATION DATE (MM/DD/YY)	LIMITS
A	GENERAL LIABILITY	CM60851807	3/01/03	3/01/04	GENERAL AGGREGATE \$ 2,000,000 PRODUCTS-COMP/OP AGG \$ 2,000,000 PERSONAL & ADV INJURY \$ 1,000,000 EACH OCCURRENCE \$ 1,000,000 FIRE DAMAGE (Any one fire) \$ 50,000 MED EXP (Any one person) \$ 5,000
	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS MADE <input checked="" type="checkbox"/> OCCUR <input type="checkbox"/> OWNERS & CONTRACTORS PROT				
A	AUTOMOBILE LIABILITY	CM60851807	3/01/03	3/01/04	COMBINED SINGLE LIMIT \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE \$
	<input checked="" type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS <input type="checkbox"/> NON-OWNED AUTOS				
A	GARAGE LIABILITY	CM60851807	3/01/03	3/01/04	AUTO ONLY - EA ACCIDENT \$ 1,000,000 OTHER THAN AUTO ONLY: \$ EACH ACCIDENT \$ 1,000,000 AGGREGATE \$ 2,000,000
	<input checked="" type="checkbox"/> ANY AUTO				
A	EXCESS LIABILITY	CUL0811172	3/01/03	3/01/04	EACH OCCURRENCE \$ 1,000,000 AGGREGATE \$ 1,000,000 RETENTION \$ 10,000
	<input checked="" type="checkbox"/> UMBRELLA FORM <input type="checkbox"/> OTHER THAN UMBRELLA FORM				
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY				WC STATUTORY LIMITS <input type="checkbox"/> OTHER <input type="checkbox"/> EL EACH ACCIDENT \$ EL DISEASE-POLICY LIMIT \$ EL DISEASE-EA EMPLOYEE \$
	THE PROPRIETOR/ PARTNERS/EXECUTIVE OFFICERS ARE <input type="checkbox"/> INCL <input type="checkbox"/> EXCL				
A	OTHER				

DESCRIPTION OF OPERATIONS/LOCATIONS/VEHICLES/SPECIAL ITEMS

CERTIFICATE HOLDER

COMMERCIAL FUEL
ATTN: RANDY BLACKBURN
7336 CORAL COURT
Nampa, ID 83857

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING COMPANY WILL ENDEAVOR TO MAIL 10 DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE TO MAIL SUCH NOTICE SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE COMPANY, ITS AGENTS OR REPRESENTATIVES.

AUTHORIZED REPRESENTATIVE

Helen M. Irwin

DHD 24-5 (1/99)

© ACORD CORPORATION 1999

CERTIFICATE: 003/001/ 00084

**STATE INSURANCE FUND**1215 W. STATE ST - P.O. BOX 83720 - BOISE, IDAHO 83720-0044
PHONE (208) 332-2100 - (800) 354-2370TJOHNSON
LW/135R
Rev. 5/2000**CERTIFICATE HOLDER:**COMMERCIAL FUEL
7336 CORAL CT
NAMPA ID 83687**AGENT:** 146FRED A MORETON & COMPANY
PO BOX 191030
BOISE ID 83713-0000
(208) 321-9300**CERTIFICATE OF WORKERS COMPENSATION INSURANCE**

The State Insurance Fund hereby certifies that the insurance policy hereunder described is in full force and effect on the date of this certificate and that it remains in full force and effect until cancelled.

POLICY NUMBER: 578418**INSURED:**WESTPOINT TRANSPORTATION INC
300 NORTH ORCHARD ST
BOISE ID 83706**ORIGINAL EFFECTIVE DATE:** October 1, 2001

Policy in force from October 1, 2001 12:01 a.m. at the mailing address of the insured shown above or the job site in Idaho.

PART TWO: EMPLOYERS LIABILITY INSURANCE LIMITS

Bodily Injury by Accident	\$100,000 each accident
Bodily Injury by Disease	\$500,000 policy limit
Bodily Injury by Disease	\$100,000 each employee

The insurance coverage applies to employees of the above-mentioned company anywhere in the state of Idaho and also to any employees living in Idaho but working temporarily in a neighboring state. In addition to the required coverage, the following elected coverage also applies:

This certificate is valid for one year from date of certificate. In the event of cancellation of said policy, the State Insurance Fund will endeavor to notify the party to whom this certificate is issued by providing ten (10) days advance notice, but the State Insurance Fund shall not be liable in any way for failure to give notice.

Dated at Boise, Idaho on October 15, 2003.

Gwen Hicks
Underwriter





STATE OF UTAH
DEPARTMENT OF ENVIRONMENTAL QUALITY
DIVISION OF SOLID AND HAZARDOUS WASTE
P.O. Box 144880, Salt Lake City, Utah 84114-4880

pd
4-19-06
CK 2349.00
\$200.00

IMPORTANT! Before filling out form, please read all attached instructions.

PERMIT APPLICATION FOR USED OIL TRANSPORTERS

1. Company Name: COMMERCIAL FUEL RECYCLING, LLC.	9. Facility's Physical Address and Phone # (if different than company information): N/A
2. Company's Physical Address: 720 N. SUGAR ST. Nampa, ID. 83687	
3. Company's Mailing Address: 7336 CORAL CT Nampa, ID. 83687	
4. Company Phone #: 208-465-5296	10. Name and Title of Contact Person: RANDY BLACKBURN G.M.
5. Company Owner's Name: COMMERCIAL FUEL CORP.	11. Company EPA ID #: IDR 000 201 475
6. Property Owner's Name: COMMERCIAL REAL ESTATE DEVELOPMENT	STATE USE ONLY
7. Property Owner's Address: 7336 CORAL CT. Nampa, ID. 83687	Permit Filing Fee (\$100) paid Yes <input type="checkbox"/> No <input type="checkbox"/>
8. Property Owner's Telephone #: 208-465-5296	Permit number: UOP-100
	Used Oil Handler Certificate (\$100) paid Yes <input type="checkbox"/> No <input type="checkbox"/>
	Certificate number:

12. If property is leased, a copy of the lease agreement must be submitted in addition to a letter from the owner of the property addressed to the Director of the Division of Solid and Hazardous Waste explaining that he/she is aware and approves of the lessee's intent to apply for a Used Oil Transporter Permit and the activities that will be occurring on his/her property.

13. If used oil is going to be transported by railcar, a copy of the lease agreement with the applicable Railroad must be submitted to the Director of the Division of Solid and Hazardous Waste.

14. Describe in detail your operations in the collection, storage, and delivery of used oil.

15. Describe in detail your methods of disposing of any waste liquids, sludge or other solids. Include a copy of the POTW permit. Name, address, and telephone # of solid waste facility used for the disposal of the above listed materials.

16. R315-15-13.4 requires the following information also be included with the permit application:

- a. Make, year, VIN #, license # of all transportation vehicles, tractors and tank trailers to be used in Utah.
- b. Copies of business license and zoning permit, and, if applicable, any other licenses and permits required by federal, state and local government entities.
- c. A detailed emergency spill containment plan. Please refer to R315-13.4 & 15.9.
- d. Submit a duplicate signed original of liability insurance or other acceptable proof of financial responsibility for any liability resulting from the transportation of used oil and environmental pollution legal liability insurance for accidental spill or mishandling of used oil, e.g., bodily injury, property damage, and damage to third parties, incurred from the collection and transportation of used oil. At a minimum, the amount of environmental pollution liability insurance required is \$1,000,000 per occurrence and \$2,000,000 in the annual aggregate. Include the expiration or anniversary date of insurance policies. Policy shall have the Utah Used Oil Pollution Liability Insurance Endorsement for Sudden Occurrences.
- e. Analysis plan detailing used oil testing procedures and how rebuttable presumption requirements will be met (R315-15- 4.5).

The Company owner or his/her designated representative must sign this form.

I certify under penalty of law that the application and all attachments were prepared by me or under my direction or supervision. The information submitted is to the best of my knowledge and belief, true, accurate and complete. I am ware that there are significant penalties for submitting false information, including t the possibility of a fine and imprisonment for knowing violations.

Name RANDY BLACKBURN

Title GM - MM

Signature 

Date 4-19-06

COMMERCAIL FUEL RECYCLING, LLC 7336 CORAL CT. NAMPA ID.
83687 *PH# 208-465-5296 *FX 208-442-2829 * email = randvblackburn@cableone.net

Permit Application for used oil Transporters

3-22-06

12. No lease agreement in place. The Property is owned by Commercial Real Estate Development which is owned wholly by Commercial Fuel Recycling, LLC.

13. No rail shipments.

14. We are not collecting used oil in the state of Utah. We will be selling Recycled Fuel Oil product to end users through out the state.

15. We are not collecting used oil in the state of Utah. We do not process or treat in the state of Utah. We are not hooked up to discharge to the POTW. Sewer is not on our property nor is their a hook up. No wells. No septic. All waters are evaporated from our process tanks. The sludge is drummed and sent to Saftey Kleen Systems Inc. for fuels blending. The waste is non -RCRA bur is manifested to a part B RCRA haz-waste facility for fuel blending to reduce long term liabilities.

16.

a.

1. Peterbilt, 2006, 6D644123 VIN#), AH 3313 LICENCE #) TRUCK.
2. TRLMB, 1964, 509138 VIN#), 4DG2142 LICENCE #) TRAILER
3. Kenworth, 2002, INK DX4 OX3 2J8 921 27 VIN#) PENDING LICENCE#) TRUCK
4. Clough, 1980, C1571 VIN#) PENDING LICENSE #) TRAILER

B. SEE AUDIT PACKAGE

C. SEE AUDIT PACKAGE

D. SEE AUDIT PACKAGE

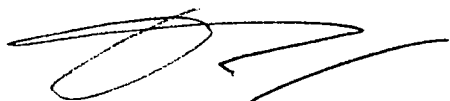
E. SEE ATTACHED

COMMERCIAL FUEL RECYCLING, LLC. 7336 CORAL CT. NAMPA,
IDAHO 83687. *PH 208-465-5296 *FX 208-442-2829 *EMAIL
randyblackburn@cableone.net

STATE OF UTAH ANALYSIS PLAN

1. Each new customer, who dose not have an analysis on hand must pass a chlor- d-tect test of < 1000 ppm before the first waste oil pick up.
2. Each truck must pass a chlor-d-tect test of < 1000 ppm before the truck can be unloaded at our facility. The truck is then tested for water content. The halogen content, water content, gallons, date, time of arrival, driver, truck number, company and which tank the load entered is logged on the waste-receiving log.
3. We have 2 process tanks, when they reach 10,000 gallons we begin our treatment process that consists of dewatering, de-flashing, de-toxing, removing heavy metals, solids, suspended solids and sulfur reduction.
4. When the process batch is complete, we pull a sample and archive that sample for future analysis. We then transfer the product from the waste receiving area and process area to a product storage tank.
5. When that tank is full we, lock out the tank, pull a sample and send it to third party lab for analysis.
6. When the 3rd party lab analysis is reviewed and after the product is certified as on specification, the product is offered for sale.
7. Paper work – at every delivery the buyer shall receive a copy of RFO shipment form, manifest/bill of lading, certificate of analysis, and 3rd party analysis. This paper work will reflect our internal sample number, followed by a dash, followed by the 3rd party analysis number, followed by a dash, followed by a number representing the daily load number.
8. The paperwork will also show the pounds and gallons delivered as well as the specific gravity used to convert the pounds into gallons. All shipments will have 3rd party weigh master receipts and indicate the product tank that loaded the truck.
9. Each product shipment is logged on a product shipment log, listing the date, truck #, driver, product loaded, tank beginning gallons, tank ending gallons, net gallons for delivery, time, and destination.

Thanks you,



Randy Blackburn - President

9-1-05





STATE OF UTAH
DEPARTMENT OF ENVIRONMENTAL QUALITY
DIVISION OF SOLID AND HAZARDOUS WASTE
P.O. Box 144880, Salt Lake City, Utah 84114-4880
(801) 538-6170

IMPORTANT! Before filling out this form, please read all instructions on back.

REGISTRATION FOR USED OIL FUEL MARKETER

1. Company name: <u>COMMERCIAL FUEL RECYCLING, LLC</u>	6. Name and title of contact person: <u>RANDY BLACKBURN G.M.</u>
2. Company's physical address: <u>720 N. SUGAR ST</u> <u>NAMPA, ID. 83687</u>	7. Facility's physical address and phone # (if different than company information): <u>208-468-3835</u>
3. Company's mailing address: <u>7336 CORAL CT.</u> <u>NAMPA, ID. 83687</u>	8. Company EPA ID #: <u>IDR 000 201 475</u>
4. Company phone #: <u>208-465-5296</u>	STATE USE ONLY 9. \$50 Registration Fee Paid Yes <input type="checkbox"/> No <input type="checkbox"/> \$50 Handler Certificate Fee Paid Yes <input type="checkbox"/> No <input type="checkbox"/>
5. Company owner's name: <u>JOHN CARLTON - LESIE CARLTON</u> <u>COMMERCIAL FUEL CORP.</u>	10. Registration Number: <u>UOR-80</u>

11. Type of used oil activity. Please refer to R315-15-7.4(b)(2)(v).

USED OIL FUEL PRODUCT

12. Attach a copy of the analysis plan to be implemented by the owner/operator to make the determination that the used oil to be burned for energy recovery meets the fuel specifications. Please refer to R315-15-7.3(a).

13. Location of any facilities used by the marketer to collect, transport, process, or store used oil subject to separate permits or registrations.

N/A

14. Status of other applicable permits and licenses (e.g., zoning, federal, state, and local permits and other registrations). Please refer to R315-15-13.7(b)(3).

N/A

The company owner or his /her designated representative must sign this form.

I certify under penalty of law that the application and all attachments were prepared by me or under my direction or supervision. The information submitted is to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of a fine and imprisonment for knowing violations.

Name RANDY BLACKBURN

Title G.M.

Signature

Date

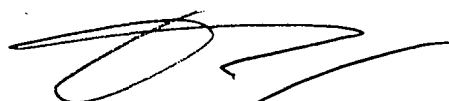
3-22-06

COMMERCIAL FUEL RECYCLING, LLC. 7336 CORAL CT. NAMPA,
IDAHO 83687. *PH 208-465-5296 *FX 208-442-2829 *EMAIL
randyblackburn@cableone.net

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1. Each new customer, who dose not have an analysis on hand must pass a chlor- d- tect test of < 1000 ppm before the first waste oil pick up.
2. Each truck must pass a chlor-d-tect test of < 1000 ppm before the truck can be unloaded at our facility. The truck is then tested for water content. The halogen content, water content, gallons, date, time of arrival, driver, truck number, company and which tank the load entered is logged on the waste-receiving log.
3. We have 2 process tanks, when they reach 10,000 gallons we begin our treatment process that consists of dewatering, de-flashing, de-toxing, removing heavy metals, solids, suspended solids and sulfur reduction.
4. When the process batch is complete, we pull a sample and archive that sample for future analysis. We then transfer the product from the waste receiving area and process area to a product storage tank.
5. When that tank is full we, lock out the tank, pull a sample and send it to third party lab for analysis.
6. When the 3rd party lab analysis is reviewed and after the product is certified as on specification, the product is offered for sale.
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8. The paperwork will also show the pounds and gallons delivered as well as the specific gravity used to convert the pounds into gallons. All shipments will have 3rd party weigh master receipts and indicate the product tank that loaded the truck.
9. Each product shipment is logged on a product shipment log, listing the date, truck #, driver, product loaded, tank beginning gallons, tank ending gallons, net gallons for delivery, time, and destination.

Thanks you,



Randy Blackburn - President

9-1-05

Anatek Labs, Inc.

1282 Alturas Drive • Moscow, ID 83843 • (208) 883-2839 • Fax (208) 882-9246 • email moscow@anateklabs.com
504 E Sprague Ste. D • Spokane WA 99202 • (509) 838-3999 • Fax (509) 838-4433 • email spokane@anateklabs.com

COMMERCIAL FUEL RECYCLING

RANDY BLACKBURN
7336 CORAL CT
NAMPA, ID 73687

Project: STAKER PARSONS, IDAHO SAND,
VALLEY PAVING
Report Date: 15-Jul-05

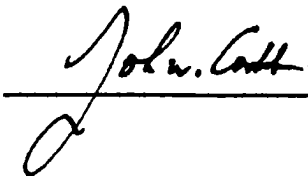
Certificate of Analysis

Oil Burn Analysis

Sample:	071205 TANK 1&2	Analyte	Result	Units	PQL
Collect Date:	7/12/2005	PCB 1242	ND	mg/Kg	1.0
Received Date:	7/13/2005	PCB 1254	ND	mg/Kg	1.0
Lab Sample #	05X2308-01	PCB 1232	ND	mg/Kg	1.0
		PCB 1260	ND	mg/Kg	1.0
PCB Analysis Date	7/14/2005	PCB 1248	ND	mg/Kg	1.0
PCB Surrogate(DCB) % R	69	PCB 1016	ND	mg/Kg	1.0
Flashpoint Analysis Date	7/15/2005	PCB 1221	ND	mg/Kg	1.0
TOX Analysis Date	7/14/2005				
Metals Analysis Date	7/15/2005	Arsenic	ND	mg/Kg	0.5
% S Analysis Date	7/14/2005	Cadmium	ND	mg/Kg	0.5
% Water Analysis Date	7/14/2005	Chromium	0.5	mg/Kg	0.5
% Ash Analysis Date	7/15/2005	Lead	10.5	mg/Kg	0.5
BTU Analysis Date	7/15/2005				
PCB Method	EPA 8082	TOX	167	mg/Kg	100
TOX Method	EPA 9076	Flashpoint	>200	degrees F	
Flashpoint Method	EPA 1010	Total S	0.33	%	0.01
Metals Method	EPA 6020A	% Water	0.98	%	0.01
Percent Sulfur Method	ASTM D2622	% Ash	0.75	%	0.01
Percent Water Method	ASTM D789	BTU	19455	BTU/lb	1000
Percent Ash Method	ASTM D2974				
BTU Method	Calorimetry				

% water analysis performed by Oil
Analysis Lab, Spokane, WA.

Approved by:



PQL Practical Quantitation Limit

ND Not Detected (<PQL)

7/15/2005

Oil Analysis Report

Page 1 of 1

SAMPLE

Commercial Fuel Recycling, LLC.
7336 Coral Ct.
Nampa, ID. 83687
Phone # 208-465-5296
Fax # 208-442-2829

Ship date 9/1/2005
No. 090105-1

RFO SHIPMENT FORM

Ship to: VALLEY PAVING AND ASPHALT
212 INDUSTRIAL RD
McCALL, IDAHO
CRIS SIEBERT

Ship from: Commercial Fuel Recycling, LLC.
Plant 720 N SUGAR ST
Nampa, ID. 83687

Bill to: VALLEY PAVING AND ASPHALT
PO BOX 308
COTTONWOOD, ID. 83522
PH# 208-962-3314
FX# 208-962-3392
MARILYNN

Office: 7336 Coral CT.
Nampa ID. 83687
Randy Blackburn
208-465-5296
208-602-1144
EPA ID IDR 000 201 475

Certification: all material shipped has been processed with on specification used oil as per
40 cfr 279 federal code of regeister. The used oil has been recycled to a product. This Product is
Recycled Fuel Oil.

Gross Weight _____

Light Weight _____

Net Weight _____

LBS per gallon _____

NET GALLONS _____

TANK # _____ 1 GALLONS _____ SAMPLE # 090105-071205-1

Loaded by Randy Blackburn date 9/1/2005

Delivered by _____ date 9/1/2005

Received by _____ date 9/1/2005

SAMPLE

Commercial Fuel Recycling, LLC.
7336 Coral Ct.
Nampa, Id. 83687
Phone# 208-465-5296
Fax# 208-442-2829

Certificate of Analysis

Ship to: VALLEY PAVING AND ASPHALT, McCall, ID
Ship From: Commercial Fuel Recycling, LLC.
Date collected: 9/1/2005
Date received: 9/1/2005
Fuel type: Recycled Fuel Oil
Sample #: 090105-071205-1
Matrix: Liquid
Lab: Anateck

<u>Parameter</u>	<u>Method</u>	<u>Result</u>
Arsenic	6010	<5.0ppm
Cadmium	6010	<2.0ppm
Chromium	6010	<10.0ppm
Lead	6010	<100.0ppm
Flash point	6010	>200F
PCB	8082	<2.0ppm
Sulfur	D-4294	<.50
Total halogens	9075	<1000.0ppm

RANDY BLACKBURN

Date 9/1/2005

SAMPLE

BILL OF LADING/ MANAFEST

#

090105-1

SHIPPER NAME COMMERCIAL FUEL RECYCLING LLC
ADDRESS 720 N SUGAR ST
CITY, STATE, ZIP. NAMPA ID 83687
PHONE 208-465-5296
EPA ID # IDR 000 201 475

SHIP TO NAME VALLEY PAVING AND ASPHALT
ADDRESS 212 INDUSTRIAL RD
CITY, STATE, ZIP. McCALL, ID
PHONE 208-469-9275
EPA ID#

SHIPPING DESCRIPTION 1 RECYCLED FUEL OIL
2 COMBUSTABLE LIQUID
3 NO PLACARDS REQUIRED
4 NOT USEPA OR DOT HAZARDOUS
5

TRANSPORTOR #1
NAME CHEMICAL TRANSFER
ADDRESS PO BOX 6036
CITY, STATE, ZIP STOCKTON, CA. 95206
DRIVERS NAME - PRINT
DATE 9/1/2005

TRANSPORTOR #2
NAME NONE
ADDRESS
CITY, STATE, ZIP
DRIVERS NAME - PRINT
DATE

RECEIVING FACILITY VALLEY PAVING AND ASPHALT
ADDRESS 212 INDUSTRIAL RD
CITY, STATE, ZIP MCcALL, ID
SIGN X
PRINT X
DATE 9/1/2005

DISCREPTENCIES

TAKE HWY 55 THROUGH McCALL
GO PAST LARDO'S RESTRAUNT
BOYDSTON (T-L)
INDUSTRIAL LOOP (GO STRAIGHT)
LOOK FOR BLUE SIEGHLOW ASK FOR MIKE, DAN OR CRIS

SAMPLE



PHONE NUMBERS

PLANT MAIN	208-468-3835
PLANT SECONDARY	208-468-0522
PLANT FAX	208-468-8869
ADMIN OFFICE	208-465-5296
ADMIN FAX	208-442-2829
ADMIN E-MAIL	randyblackburn@qwest.net
QWEST CUSTOMER SVC	1-800-603-6000
VOICE MAIL RETREVE	208-466-9077X0317
CALL FORWARD	*72
END CALL FORWARD	*73
RANDY BLACKBURN CELL	208-602-1144
RANDY BLACKBURN HOME	208-442-0240
RANDY BLACKBURN FAX	208-463-9552
GARY VANCE CELL	208-447-8669
GARY VANCE CELL	208-272-0390
JOHN TAFEOYA CELL	208-891-0508
DELL COMPUTORS	1-800-822-8965

COMMERCIAL FUEL RECYCLING LLC

7336 CORAL CT.

NAMPA, ID 83687-6814 IDR 000 201 475

Date 4-19-06

2350

92-155/1241
57408

Pay to the
Order of State of Utah

\$ 100.00

One hundred dollars +NO/05

Dollars



Security features
not including
Serial number



KeyBank National Association
Nampa, Idaho 83651
1-800-KEY2YOU® Key.com®

Registrations for Used Oil Recycler
FOR

MP

⑆124101555⑆ 124081004028⑈ 2350

© 2006 American

COMMERCIAL FUEL RECYCLING LLC
7336 CORAL CT.
NAMPA, ID 83687-6814 IDR 000 201 475

2349

Date

4-19-06

92-155/1241
57408

Pay to the
Order of

State of Utah

\$200.00

Two hundred dollars + no/

Dollars



Security Features
are included.
See back for details.



KeyBank National Association
Nampa, Idaho 83651
1-800-KEY2YOU Key.com

Permit Application for used oil
For transporters

MP

⑆124101555⑆ 124081004028⑆ 2349

RECEIVED

OCT 26 2007

UTAH DIVISION OF
SOLID & HAZARDOUS WASTE

07.03131

To:

State of Utah

Department of Environmental Quality

Jim Smith

From:

Commercial Fuel Recycling, LLC.

Nampa, ID 83687

Mark Desrosiers

208 468 3835

Re: Used Oil Transporter Permit / Used Oil Marketer Application

Fax to (801) 538 6715

8 pages to follow.

11

GENERAL POLICIES AND GUIDELINES

A copy of this plan will be kept in each used oil transportation truck, and a copy will be filed in the main office.

Each used oil vehicle will have: A 5-gallon bucket of a floor dry / absorbent material, rubber gloves, 1 box of oil absorbent pads, clean rags, plastic bags, and a shovel and broom for collecting used absorbent materials.

Employees will be given spill plan training before handling used oil.

All spills (any size) will be reported to the immediate supervisor after the spill has been stabilized or cleaned up.

Supervisors will review procedures with employees to recap, and to prevent further occurrences.

SPILL RESPONSE - IMMEDIATE ACTION STEPS:

1. If necessary, notify law enforcement, fire, and medical officials by dialing **911**.
2. Safeguard yourself and others. Remain at or near the scene until officials arrive. Stay at the scene until authorized to leave by an official.
3. **(R315-15-9.1(a))**; Take appropriate action to minimize the threat to human health and the environment. Attempt to stop further spilling / leaking if safe.
4. Take action to prevent spill from spreading (use absorbent material, rags, and absorbent pads). Use sand, dirt, or other material, or dig a trench to contain the spill.
5.
 - a. Notify supervisor if assistance is needed to contain spill or clean up area.
 - b. The supervisor will immediately notify appropriate waste cleanup company if necessary to assist with cleanup.
 - c. The supervisor will report spills to appropriate agencies if necessary (see **"Notification for used oil spills"** below).
6. Cleanup the area after spill is collected. Collect materials in plastic bags and check with supervisor to determine where this material can be disposed of.
 - a. **R315-15-9.3 Release Clean-up**: The person responsible for the material at the time of the release shall clean up all the released material and any residue or contaminated soil, water or other material resulting from the released material, residue, or contaminated soil, water, or other material no longer presents a hazard to human health or the environment. The cleanup or other required actions shall be at the expense of the person responsible for the release.
7. Complete a **"spill report form"** and give it to your supervisor at end of shift
8. The supervisor will be responsible to follow up with requirements of **R315-15-9.4** reporting if the spill meets this requirement.

Notification for: Used Oil spills exceeding 25 gals. or smaller releases that pose a potential threat to human health or the environment.
R315-15-9.1(b) &(c)

1. Notify the Utah State Department of Environmental Quality, 24-hour Answering Service, **801-536-4123** for used oil releases exceeding 25 gallons, or smaller releases that pose a potential threat to human health or the environment. Small leaks and drips from the vehicles are considered de minimis and are not subject to the release clean-up provisions of R315-15-9.
2. Provide the following information when reporting the release:
 - a. Name, phone number, and address of person responsible for release.
 - b. Name, title, and phone number of individual reporting.
 - c. Time and date of release.
 - d. Location of release -- as specific as possible including nearest town, highway, or waterway.
 - e. Description contained on the manifest and the amount of material released.
 - f. Cause of release.
 - g. Possible hazards to human health or the environment and emergency action taken to minimize that threat.
 - h. The extent of injuries, if any.
3. Give notice, if required by 49 CFR 171.15 to the National Response Center, 800-424-8802; and
4. Report in writing as required by 49 CFR 171.16 to the Director, Office of Hazardous Materials Regulations, Materials Transportation Bureau, Department of Transportation, Washington D.C. 20590.

R315-15-9.4 REPORTING

Within 15 days after any release of used oil that is reported under **R315-15-9.1(b)**, the person responsible for the material at the time of the release shall submit to the Board or the Executive Secretary a written report which contains the following information:

- a. The person's name, address, and telephone number;
- b. Date, time, location, and nature of the incident;
- c. Name and quantity of material(s) involved;
- d. The extent of injuries, if any;
- e. An assessment of actual or potential hazards to human health or the environment, where this is applicable; and
- f. The estimated quantity and disposition of recovered material that resulted from the incident.

SPILL REPORT FORM

Date of spill: _____ Time of spill: _____

Location of spill (name of business, street address, and specific location of spill – i.e. near tank in back of parking area):

Driver or responsible party: _____

Others at scene – list contact info:

Approximate quantity of spill: _____

Quantity of product recovered: _____

How long did spill continue? : _____

Quantity of absorbent (etc) used: _____

Did spill enter surface water or storm drains? _____

Any other pertinent information:

_____Describe actions taken to minimize spill and then clean up:

(Continue on back of page)

Who was contacted (agencies and individual names):

Signature of responsible party: _____ Date: _____

Manager's signature: _____ Date: _____

USED OIL TRAINING PLAN FOR COMMERCIAL FUEL RECYCLING, LLC.

1. All employees will be given used oil training before being involved with used oil handling operations.
2. Used oil transportation and handling training will be presented on an annual basis to all employees involved in these procedures. The training will be provided during scheduled company safety meetings. Each refresher training will cover general used oil management, procedures, identification of used oil and rebuttable presumption/analysis, "Emergency Controls – Spill Plan" and personal safety and protection.
3. Records of this training (including date, employee name and signature, and items covered) will be filed in each of the employee's files, and a master copy will be kept in the company "training file".
 - a. Here is an example of a used oil training form our company uses:

Used Oil Training: Spring 2007		
Review Topics: employee safety procedures regarding used oil handling, specific company policies dealing with used oil, loading and unloading procedures, identification of used oil, testing/analysis, reducing spills/drips/ leaks, spill clean up and reporting, paperwork and filing		
Other topics:		
Length of training: 2 Hours		
Training Date	Employee name	Signature

REBUTTABLE PRESUMPTION – ANALYSIS PLAN

Driver's guide for used oil pick up. To ensure Commercial Fuel Recycling, LLC is not transporting hazardous waste.

R315-15-4.5

1. All Drivers will be trained in the purpose and use of CLOR-D-TECT kits prior to field work.
2. During or prior to the first used oil pick up from new customers, drivers will check with the used oil generator to see if they have been mixing any other liquids or solids with their used oil. Customers will be encouraged to avoid mixing anything with used oil.
3. All used oil pick ups will be tested by our driver using a new, unexpired CLOR-D-TECT 1000 kit. Follow instructions contained in the kit. Instructions are included in each of the CLOR-D-TECT kits. This test will be completed prior to pumping the used oil into our truck, and each truck will have a supply of these kits available at all times. Neutralized used kits will be disposed of in regular garbage containers.
4. Used oil will not be picked up if test results indicate a reading of 1000 ppm or greater, and the generator will be informed of his/her options regarding disposal. Test results will be written on the bill-of-lading. This may change if given written authorization from State of Utah DEQ.
5. Spot samples from small tanks will be taken using a bailer or "drum thief/coliwasa". Used oil will be taken from as close to the center of the tank as possible. Larger tanks will be sampled by opening the sampling valve. Representative samples from drums will also be taken from the center. Samples from no more than 4 drums (composite) will be mixed, stirred then tested.
6. Used oil with 20% or more water or antifreeze will be allowed to settle and separate so a good sample can be taken, or a Dexsil Hydro Clor-Q kit will be used in place of a CLOR-D-TECT.
7. Test results will be written on bills-of-lading, and a copy of the bill-of-lading will be left with the customer.
8. Documents pertaining to the used oil pick up will all contain the words "used oil".

Utah Administrative Code - R315-15-4.6 "24 Hour Rule"

Commercial Fuel Recycling, LLC will not store used oil for more than 24 hours. We intend to unload within the 24-hour time limit.

Billing / mailing address for Commercial Fuel Recycling LLC.:
7336 Coral Ct, Nampa, ID 83687

Physical production plant address of Commercial Fuel Recycling, LLC. :
720 N Sugar St, Nampa, ID 83687
Owned by Commercial Real Estate Development, LLC.
Leased by Commercial Fuel Recycling, LLC.

Commercial Real Estate Development LLC is wholly owned by Commercial Fuel Recycling LLC.

COMMERCIAL FUEL RECYCLING, LLC.**7336 Coral Ct, Nampa, Idaho****Ph 208 465 5296****Fx 208 442 2829****STATE OF UTAH ANALYSIS PLAN**

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2. Each truck must pass a Chlor-d-Tect test of <1000 ppm before the truck can be unloaded at our facility. The truck is then tested for water content. The halogen content, water content, gallons, date, time of arrival, driver, truck number, company, and which tank the load is transferred into is entered into a used oil receiving log.
3. We have 2 process tanks. When either tank reaches 10,000 gallons we begin our treatment process that consists of de-watering, de-flashing, de-toxing, removing heavy metals, solids, suspended solids and sulfur reduction.
4. When the process batch is complete, we pull and archive a sample for future analysis (see below #6). We then transfer the product from the used oil receiving / process area to a product storage tank.
5. The facility has 3 product storage tanks. Tank #1 is a 58,000 gallon vertical tank. Tank #2 is a 144,000 gallon vertical storage tank. Tank #3 is a 110,000 gallon vertical storage tank.
6. When a storage tank reaches at least 50,000 gallons, but no more that 60,000 gallons, it is locked out. A representative composite of each sample (see #4) is sent to a NELAP certified lab.
7. When the 3rd party lab analysis is reviewed and after the product is certified as on specification (according to R315-15-1.2) the product is offered for sale.
 - a. Arsenic < 5 ppm
 - b. Cadmium < 2 ppm
 - c. Chromium < 10 ppm
 - d. Lead < 100 ppm
 - e. Flashpoint > 200 F
 - f. Total Halogens < 1000 ppm
8. At every delivery the buyer shall receive a copy of RFO shipment form, manifest / bill of lading, and a 3rd party certificate of analysis. This paperwork will reflect our internal sample number, 3rd party analysis number, and a daily load number. The words "used oil" will also be written on receipt documentation.
9. The paperwork will also show the pounds and gallons delivered as well as the specific gravity used to convert the pounds into gallons. All shipments will have 3rd party weigh master receipts and indicate the product tank that loaded the truck.
10. Each product shipment is logged on a product shipment log listing: the date, truck number, driver, product loaded, tank beginning gallons, tank ending gallons, net gallons for delivery, time and destination.

Commercial Fuel Recycling, LLC.

Unloading Procedures

1. Truck arrives at destination and parks near the buyer's on-site storage tank.
2. Driver remains present during complete process of unloading.
3. A spill tray is placed under hose connections to capture any leaks / drips.
4. A high pressure petroleum hose is connected from the storage tank to the truck.
5. The valve on the storage tank is opened to receive product from truck.
6. The internal and external valves are opened on truck and the PTO / pump system is engaged at a low flow rate.
7. System is monitored to ensure proper flow of RFO (used oil).
8. Driver has constant visual inspection of operation.
9. Product flow can be shut-off at any time.
10. When truck is empty the valves are shut and hose is put away.